

## **ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTER 4 OF HUMBOLDT COUNTY CODE SECTIONS 314-112.1 AND 314-136 THROUGH 314-157**

The Board of Supervisors of the County of Humboldt ordains as follows:

### **SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.**

Title III, Division 1, Chapter 4 of the Planning Regulations: addressing Section 314-112 – Residential Density Bonus and Other Developer Incentives, updating the Density Bonus Regulations such that they match the current State requirements as established in California Government Code Section 65915 and 65915.5. The intent is to encourage higher housing density and the addition of lower cost housing developments in the County.

### **SECTION 2. Residential Density Bonus**

Section 314-112, regarding Residential Density Bonuses in Title III, Division 1, Chapter 4 of the Humboldt County Code, is hereby amended as follows (modifications deleting text are shown in strike out and additions as underlined text):

#### **112.1 RESIDENTIAL DENSITY BONUS AND OTHER DEVELOPER INCENTIVES**

112.1.1 **Purpose.** This Density Bonus Ordinance is intended to provide incentives for the production of affordable housing, senior housing, and the development of ~~child care~~ childcare facilities. In enacting this Chapter, it is the intent of the County of Humboldt to implement the goals, objectives, and policies of the County General Plan and further to implement and be subject to California Government Code Section 65915. In the event that any provision in this chapter conflicts with state law, state law shall ~~control~~ supersede that specific conflict.

112.1.2 **Definitions.** Whenever the following terms are used in the following ~~Sections~~, they shall have the meaning established by this ~~subsection~~ and as ~~defined~~ in Section C: Index of Definitions of Language and Legal Terms.

112.1.2.1 Additional Incentives

112.1.2.2 Affordable Housing/Affordable Housing Unit

~~112.1.2.2 Affordable Rent~~

112.1.2.3 Affordable Sales Price

112.1.2.4 Affordable Rent

112.1.2.5 Childcare Facility ~~Child Care Facility~~

~~112.1.2.4 Density Bonus~~

~~112.1.2.5 Density Bonus Housing Agreement~~

~~112.1.2.6 Density Bonus Units~~

~~112.1.2.7 Housing Development~~

~~112.1.2.8 Incentives or Concessions~~

~~112.1.2.9 Initial Subsidy~~

~~112.1.2.10 Low Income Household~~

~~112.1.2.11 Moderate Income Household~~

~~112.1.2.12 Proportionate Share of Appreciation~~

~~112.1.2.13 Senior Citizen Housing Development~~

~~112.1.2.14 Very Low Income Household~~

112.1.2.6 Density Bonus

112.1.2.7 Density Bonus Housing Agreement

112.1.2.8 Density Bonus Unit

112.1.2.9 Equivalent Financial Incentive

112.1.2.10 Housing Cost

112.1.2.11 Housing Development

112.1.2.12 Incentives or Concessions

112.1.2.13 Initial Subsidy

112.1.2.14 Lower Income

112.1.2.15 Lower Income Household

112.1.2.16 Lower Income Student

112.1.2.17 Maximum Residential Density

112.1.2.18 Moderate Income

112.1.2.19 Moderate Income Household

112.1.2.20 Proportionate Share of Appreciation

112.1.2.21 Qualifying Resident

112.1.2.22 Senior Citizen Housing Development

112.1.2.23 Target Unit

112.1.2.24 Very Low Income

112.1.2.25 Very Low Income Household

**112.1.3 Application for Density Bonus and Incentives or Concessions.** At the time the applicant of a proposed Housing Development, seeking a density bonus and concessions or incentives under this chapter, files a formal application for approval of the proposed development with the Planning Division of Humboldt County, the following information shall be submitted with the fees and required application:

112.1.3.1 Identification of the location, acreage, and the maximum number of base units allowed under the zoning and the land use designated under the General Plan without the Density Bonus;

112.1.3.2 Identification of the total number of units proposed, specifically identifying the Density Bonus units and the Affordable Units which will demonstrate eligibility under this chapter;

112.1.3.3 Identification of the requested concessions or incentives or a list of any alternative concessions or incentives which would provide, in the developer's opinion, an equivalent financial value to the concession or incentive requested. This requirement does not impair the applicant from substituting a new incentive or concession from what is initially proposed, but substitution may cause project delays and require revision of environmental documents, and may necessitate additional processing fees as determined by the Planning Director;

112.1.3.4 A clear statement of how the requested concessions or incentives ~~are necessary to make the proposed Housing Development economically feasible, and~~ result in identifiable, financially sufficient, and actual cost reductions. The information should be sufficiently detailed to enable County staff to examine the conclusions reached by the developer; and

112.1.3.5 Other pertinent information, as the Planning Director may require, to enable the County to adequately analyze the identifiable, financially sufficient, and actual cost reductions of the proposed Housing Development with respect to the requested additional concession or incentive and other concessions or incentives which may be made available.

**112.1.4 Processing of Density Bonus Application.**

112.1.4.1 Once deemed complete, the density bonus application shall be processed and determinations made concurrent with the underlying Housing Development application.

112.1.4.2 An application for a density bonus and additional incentives as allowed pursuant to this Chapter shall be processed concurrently with any other application(s) required for the Housing Development. Final approval or disapproval of the application shall be made by the approval authority/Hearing Officer unless direct financial assistance is requested. If direct financial assistance is requested, the Planning Commission shall make a recommendation to the Board of Supervisors who will have the authority to make the final decision on the application. **Review Authority.** ~~A request for density bonus and/or additional incentives will be reviewed by the same review authority as the Housing Development's other entitlements as specifically noted below. The reviewing authority approval authority/Hearing Officer shall grant the density bonus and requested incentive(s) or concession(s) unless the findings in Section [112.1.48.2](#) can be made.~~

~~112.1.4.2.1 — Design Review Board. When a proposed Housing Development needs only Design Review, then the Design Review Board (if established) or the Planning Director will consider and act on the density bonus request when the preliminary design review application is considered.~~

~~112.1.4.2.2 — Planning Commission/Board of Supervisors. If the project requires entitlements or an environmental clearance to be considered by the Planning Commission and/or the Board of Supervisors, then these decision bodies will consider and act on the density bonus request concurrent with the applicable project entitlement/environmental clearance.~~

~~112.1.4.2.3 — Director. If the Density Bonus and/or the Additional Incentives are only entitlements to be considered, then the Director will consider and act on the request.~~

112.1.4.3 A Housing Development including at least 20 percent of total units affordable to very low or low income households or a combination of the two, with affordable rents maintained through an agreement with the County of Humboldt or another governmental agency, shall be entitled to priority processing. Priority processing shall mean a timeline for review of the Housing Development and all associated applications as mutually agreed to by the County and the developer.

112.1.4.4 An applicant/developer proposing a Housing Development pursuant to this Chapter, may submit a preliminary application prior to the submittal of any formal request for approval of a Housing Development. Applicants are encouraged to schedule a pre-application conference with the Director or designated staff to discuss and identify potential application issues including prospective Additional Incentives pursuant to Section 112.1.8 of this Chapter.

112.1.4.5 The Director or designated staff shall inform the applicant/developer that the requested Additional Incentives shall be recommended for consideration with the proposed Housing Development, or that alternative or modified Additional Incentives pursuant to Section [112.1.8](#) shall be recommended for consideration instead of the requested Incentives. If alternative or modified Incentives are recommended by the Director or designated staff, the recommendation shall establish how the alternative or modified Incentives can be expected to have an equivalent affordability effect as the requested Incentives.

112.1.4.6 **Determination of Eligibility.** Once an application for a Density Bonus and/or Additional Incentives is deemed complete, the County shall provide the applicant with a determination, in writing:

112.1.4.6.1 The determination shall contain the following details, as applicable:

112.1.4.6.1.1 The amount of density bonus for which the applicant is eligible.

112.1.4.6.1.2 The parking ratio for which the applicant is eligible, if one is requested pursuant to Section 112.1.12.

112.1.4.6.1.3 Whether the applicant has provided adequate information to make a determination regarding additional incentives, concessions, waivers, or reductions of development standards, if they are requested by the applicant.

112.1.4.6.2 If the project is changed during the course of development, the County will adjust the amount of density bonus and parking ratios awarded in accordance with this section.

112.1.4.47 **Application for Density Bonus Housing Agreement.** Once the proposed Housing Development has received its approval for a Density Bonus, as described above, the developer shall file an application, including the payment of any processing fees with the Planning Division for approval and finalization of the Density Bonus Agreement in compliance with the requirements set forth in Section [112.1.10](#).

#### **112.1.5 Eligibility Criteria for Density Bonus.**

112.1.5.1 The County of Humboldt shall consider a density bonus and provide incentives or concessions as described in Section [112.1.8](#), when a developer of a Housing Development seeks and agrees to construct a Housing Development that will contain at least one of the following:

112.1.5.1.1 At least ~~T~~ten percent (10%) of the total units of a Housing Development ~~strictly for~~ designated as Target Units affordable to Low Income Households as defined herein;

112.1.5.1.2 At least ~~F~~five percent (5%) of the total units of a Housing Development ~~strictly for~~ designated as Target Units affordable to Very Low Income Households as defined herein;

112.1.5.1.3 A Senior Citizen Housing Development, as defined herein;

112.1.5.1.4 At least ~~T~~ten percent (10%) of the total dwelling units in a ~~condominium or planned unit development for~~ are sold to persons and families of Moderate Income Households as defined herein, provided that all units in the development are offered to the public for purchase;

112.1.5.1.5 At least ten percent (10%) of the total units of the Housing Development designated as Target Units for transitional foster youth, disabled veterans, or homeless persons, as defined in Section 66025.9 of the California Education Code, Section 18541 of the California Government Code, and Section 11301 et seq. of Title 42 of United States Code, respectively;

112.1.5.1.6 For student housing developments, at least twenty percent (20%) of the total units designated as Target Units affordable to Lower Income Students. For purposes of calculating a density bonus, the term “unit” as used in this subsection means one rental bed and its pro rata share of associated common area facilities. No rental bed reserved for lower income students may be tied to a specific bedroom, nor may a Lower Income Student be prevented from sharing a room with a non-lower income student. The student housing development must also meet all the following requirements:

112.1.5.1.6.1 All units in the student housing development are used exclusively for students who are enrolled in at least six (6) units at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges, or students who have been enrolled at such an institution within the past six months. For compliance with this subsection, prior to issuance of a certificate of occupancy, the developer must provide evidence that either of the following has been established:

112.1.5.1.6.1.1 An operating agreement or master lease with the relevant institution(s) of higher education for the institution(s) to occupy all units of the student housing development with students from that institution(s). The operating agreement or the master lease are not

violated by circumstances where there are insufficient students enrolled to fill all the units; or

112.1.5.1.6.1.2 A system for confirming renter's status as students is established to ensure that all units of the student housing development are occupied with students of an institution of higher education.

112.1.5.1.6.2 The Target Units in the student housing development shall be used for and occupied by Lower Income Students;

112.1.5.1.6.3 The rent for the Target Unit shall be calculated at thirty percent (30%) of sixty-five percent (65%) of the area median income for single-room occupancy type units;

112.1.5.1.6.4 The student housing development shall provide priority for the Target Units to Lower Income Students experiencing homelessness. Verification of a person's status as homeless may be provided by the institution of higher education or by a homeless service provider, as defined in Section 103577(e)(3) of California Health and Safety Code; and

112.1.5.1.6.5 The eligibility of a student to occupy a unit for lower income students shall be verified by either their enrolled institution of higher education or the California Student Aid Commission with an affidavit, award letter, or letter of eligibility confirming that the student receives or is eligible for financial aid. This may include an institutional grant or fee waiver from the institution, the California Student Aid Commission, or the federal government. Tracking this eligibility is the responsibility of the development's operating manager, via the method established for Section 112.1.5.1.6.1.

112.1.5.1.7 One hundred percent (100%) of all units in the development, including total units and Density Bonus Units, but excluding a manager's unit(s), designated as Target Units affordable to Lower Income Households. However, up to twenty percent of those Target Units may instead be designated for Moderate Income Households;

112.1.5.1.8 At least fifteen percent (15%) of total units of a conversion from apartments to a condominium designated as Target Units affordable to Lower Income Households as defined herein. Such a project would qualify for either a density bonus or an additional incentive, but not both. This density bonus shall not be permitted in addition to any other density bonuses or incentives; or

112.1.5.1.9 At least thirty-three percent (33%) of total units of a conversion from apartments to a condominium designated as Target Units affordable to Lower Income or Moderate Income Households as defined herein. Such a project

would qualify for either a density bonus or an additional incentive, but not both. This density bonus shall not be permitted in addition to any other density bonuses or incentives.

112.1.5.2 In determining the number of Target Units to be provided pursuant to this section, the Maximum Residential Density shall be multiplied by the percentage indicated by the applicable subsection of Section 112.1.5.1. 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 resulting decimal fraction shall be rounded to the next larger integer.

112.1.5.3 Unless otherwise stated, multiple sources of density bonuses or additional incentives shall not benefit one Housing Development to a greater extent than the highest bonus available from any single source in the proposal or discretionary permit.

#### 112.1.6 **Project Specific Density Bonus.**

The County of Humboldt will allow a ~~Housing Development~~ density bonus and concessions or incentives for a Housing Development meeting all the applicable eligibility requirements of this chapter according to the following density bonus options. In the event that the minimum requirements for granting density bonus units or number of applicable concessions or incentives as set forth in [California Government Code](#) 65915 is amended or modified after the adoption of this chapter by the County, then the lowest minimum requirements shall apply.

**112.1.6.1 Density Bonus for Very Low Income Households.** If a housing developer elects to construct units for Very Low Income Households, the development shall be entitled to the following Density Bonus calculation:

Provision of Very Low Income Units		
Percentage of Very Low Income Units Affordable	Density Bonus Available*	Number of Incentives or Concessions
5%	20%	1
6%	22.5%	1
7%	25%	1
8%	27.5%	1
9%	30%	1
10%	32.5%	2
11%	35%	2
<u>12%</u>	<u>38.75%</u>	<u>2</u>
<u>13%</u>	<u>42.5%</u>	<u>2</u>



Provision of Very Low Income Units		
Percentage of Very Low Income Units Affordable	Density Bonus Available*	Number of Incentives or Concessions
<u>14%</u>	<u>46.25%</u>	<u>2</u>
15%	<del>35</del> <u>50%</u>	3

\* the allowed increase is the percentage over the total number of units that would be allowed without a Density Bonus

**112.1.6.2 Density Bonus for Low Income Households.** If a housing developer elects to construct units for Low Income Households, the Housing Development shall be entitled to the following Density Bonus calculation:

Provision of Low Income Units		
Percentage of Low Income Units Affordable	Density Bonus Available*	Number of Incentives or Concessions
10%	20%	1
11%	21.5%	1
12%	23%	1
13%	24.5%	1
14%	26%	1
15%	27.5%	1
17%	30.5%	<del>1</del> <u>2</u>
18%	32%	<del>1</del> <u>2</u>
19%	33.5%	<del>1</del> <u>2</u>
20%	35%	2
<u>21%</u>	<u>38.75%</u>	<u>2</u>
<u>22%</u>	<u>42.5%</u>	<u>2</u>
<u>23%</u>	<u>46.25</u>	<u>2</u>
<u>24%</u>	<u>50%</u>	<u>3</u>
<del>30%</del>	<del>35%</del>	<del>3</del>

\* the allowed increase is the percentage over the total number of units that would be allowed without a Density Bonus

**112.1.6.3 Senior Housing.** If a housing developer elects to construct a Senior Citizen Housing Development, the density bonus shall be 20 percent of the total number of allowed housing units without the Density Bonus.

**112.1.6.4 ~~For-Sale Moderate Income Units in Condominiums and Planned Developments.~~** If a housing developer elects to construct units for Moderate Income

Households and those units are for sale, the development shall be entitled to the following Density Bonus calculation:

Moderate Income Units		
Percentage of Moderate Income Units Affordable	Density Bonus Available*	Number of Incentives or Concessions
10%	5%	1
11%	6%	1
12%	7%	1
13%	8%	1
14%	9%	1
15%	10%	1
16%	11%	1
17%	12%	1
18%	13%	1
19%	14%	1
20%	15%	2
21%	16%	2
<u>22%</u>	<u>17%</u>	<u>2</u>
23%	18%	2
24%	19%	2
25%	20%	2
26%	21%	2
27%	22%	2
28%	23%	2
<u>29%</u>	<u>24%</u>	<u>2</u>
30%	25%	3
31%	26%	3
32%	27%	3
33%	28%	3
34%	29%	3
35%	30%	3
36%	31%	3
37%	32%	3
38%	33%	3
39%	34%	3

Moderate Income Units		
Percentage of Moderate Income Units Affordable	Density Bonus Available*	Number of Incentives or Concessions
40%	35%	3
<u>41%</u>	<u>38.75%</u>	<u>3</u>
<u>42%</u>	<u>42.5%</u>	<u>3</u>
<u>43%</u>	<u>46.25%</u>	<u>3</u>
<u>44%</u>	<u>50%</u>	<u>3</u>

\* the allowed increase is the percentage over the total number of units that would be allowed without a Density Bonus

**112.1.6.5 Density Bonus for Land Donation.** When an applicant for a tentative map, parcel map, or other residential development approval donates at least one acre of land or enough land to develop 40 units, then the applicant shall be entitled to a fifteen percent (15%) increase above the otherwise maximum allowable residential density for the entire Housing Development as follows:

LAND DONATION	
Percentage of Very Low Income Units	Percentage Density Bonus
10%	15%
11%	16%
12%	17%
13%	18%
14%	19%
15%	20%
16%	21%
17%	22%
18%	23%
19%	24%
20%	25%
21%	26%
22%	27%
23%	28%
24%	29%
25%	30%
26%	31%
27%	32%

LAND DONATION	
Percentage of Very Low Income Units	Percentage Density Bonus
<u>28%</u>	<u>33%</u>
29%	34%
30%	35%

112.1.6.5.1 Nothing in this subsection shall be construed to enlarge or diminish the authority of the County to require a developer to donate land as a condition of development.

112.1.6.5.2 The Density Bonus for land dedication shall be in addition to any Density Bonus earned pursuant to Section [112.1.6](#) and up to a maximum combined increase of 35 percent.

112.1.6.5.3 An applicant with a land donation shall be eligible for the increased Density Bonus if all of the following conditions are met:

112.1.6.5.3.1 The applicant donates and transfers the land to the County no later than the date of approval of the County of the final subdivision map, parcel map, or Housing Development application for the proposed Housing Development seeking the Density Bonus;

112.1.6.5.3.2 The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to Very Low Income Households in an amount not less than 10 percent of the number of residential units of the proposed Housing Development seeking the Density Bonus; and

112.1.6.5.3.3 The land proposed to be donated to the County:

112.1.6.5.3.3.1 has the appropriate General Plan designation and is appropriately zoned for development at the density described in paragraph (3) of subsection (c) of Section 65583.2 of the California Government Code; ~~and~~

112.1.6.5.3.3.2 is or will be served by adequate public facilities and infrastructures; ~~and~~

112.1.6.5.3.3.3 ~~is donated no later than the date of approval of the final subdivision map, parcel map or Housing Development application seeking a Density Bonus and~~ has all of the permits and approvals, other than building permits, necessary for the development of the Very Low Income housing units on the transferred land, no later than the date of approval of the final subdivision map, parcel map, or Housing

Development application, with the exception that subsequent design review may be required if a Design Review permit has not been issued prior to the date of transfer; and

112.1.6.5.3.3.4 is transferred to the County or a housing developer approved by the County; ~~and~~

112.1.6.5.3.3.5 shall be within the boundary of the proposed development or within one-quarter mile of the boundary of the proposed development; ~~and~~

112.1.6.5.3.3.6 must have a proposed source of funding for the very low income units prior to the approval of the final subdivision map, parcel map or Housing Development application seeking the Density Bonus; ~~and~~


112.1.6.5.3.3.7 must be either at least one acre in size or of sufficient size to permit the development of at least 40 units.

112.1.6.5.4 The transferred land and the Affordable Housing Units shall be subject to a deed restriction, which shall be recorded on the property upon dedication, ensuring continued affordability of units for at least ~~30~~55 years from the date of occupancy, which shall be consistent with Sections 112.1.10 and 112.1.11.3.9.

112.1.6.6 **Condominium Conversions.** ~~Density Bonus for~~ If a housing developer elects to provide units of a Condominium Conversion shall be considered and approved to Low Income or Moderate Income Households, in accordance with Sections 112.1.5.1.8 or 112.1.5.1.9 of Humboldt County Code and Section 65915.5 of the California Government Code, the density bonus shall be an increase in units of 25% over the number of apartments, but provided within the existing structure or structures, as an alternative to the incentive authorized by Section 112.1.8.3.10 for specifications. Condominium conversions do not qualify for the additional density bonuses otherwise authorized by Section 112.1.6.5 and Section 112.1.6.7 for Land Donation and Childcare Facilities.

112.1.6.7 Transitional Foster Youth, Disabled Veterans, and Homeless Persons. If a housing developer elects to construct units for transitional foster youth, disabled veterans, or homeless persons, the density bonus shall be 20% of the number of the type of units that qualified the development for a density bonus.

112.1.6.8 Student Housing for Lower Income Students. If a developer elects to construct units for low income students in a student housing development, the development shall be entitled to the following Density Bonus calculation:

<b><u>Student Housing Low-Income Units</u></b>		
<b><u>Percentage of Lower Income Units Affordable</u></b>	<b><u>Density Bonus Available</u></b> 	<b><u>Number of Incentives or Concessions</u></b>
<u>20%</u>	<u>35%</u>	<u>1</u>
<u>21%</u>	<u>38.75%</u>	<u>1</u>
<u>22%</u>	<u>42.5%</u>	<u>1</u>
<u>23%</u>	<u>46.25%</u>	<u>2</u>
<u>24%</u>	<u>50%</u>	<u>2</u>

**112.1.6.9 100% Low Income Units.** If a housing developer elects to construct units in accordance with Section 112.1.5.1.7, either of the following shall apply:

112.1.6.9.1 The density bonus shall be 80% of the number of units for lower income households; or

112.1.6.9.2 If the housing development is located within one-half mile of a major transit stop, no maximum controls on density shall apply.

**112.1.6.10 Additional Density Bonus.** When a housing developer elects to construct Target Units at one of the percentages described in Section 112.1.6.10.1 and construct additional Target Units in conformance with Section 112.1.6.10.2, the developer shall qualify for one additional density bonus in accordance with the tables in Section 112.1.6.10.2. Restrictions of more than 50% of the total units as Target Units do not qualify for greater additional density bonuses for this section.

112.1.6.10.1 To qualify for an additional density bonus per 112.1.6.10, the developer shall construct Target Units meeting one of the following criteria:

112.1.6.10.1.1 The developer provides 24% of the total units to lower income households, in accordance with the criteria of Section 112.1.5.1.1;

112.1.6.10.1.2 The developer provides 15% of the total units to very low income households, in accordance with the criteria of Section 112.1.5.1.2; or

112.1.6.10.1.3 The developer provides 44% of the total units to moderate income households, in accordance with the criteria of Section 112.1.5.1.4.

112.1.6.10.2 When qualified by Section 112.1.6.10.1 and the project adds additional Target Units in accordance with one of the tables below, then the project qualifies for one additional Density Bonus in accordance with the corresponding line of the table:

<b><u>Additional Density Bonus for Very Low Income Units</u></b>	
<b><u>Percentage Very Low Income Units</u></b>	<b><u>Percentage Density Bonus</u></b>

<u>5%</u>	<u>20%</u>
<u>6%</u>	<u>23.75%</u>
<u>7%</u>	<u>27.5%</u>
<u>8%</u>	<u>31.25%</u>
<u>9%</u>	<u>35%</u>
<u>10%</u>	<u>38.75%</u>

<b><u>Additional Density Bonus for Moderate Income Units</u></b>	
<b><u>Percentage Moderate Income Units</u></b>	<b><u>Percentage Density Bonus</u></b>
<u>5%</u>	<u>20%</u>
<u>6%</u>	<u>22.5%</u>
<u>7%</u>	<u>25%</u>
<u>8%</u>	<u>27.5%</u>
<u>9%</u>	<u>30%</u>
<u>10%</u>	<u>32.5%</u>
<u>11%</u>	<u>35%</u>
<u>12%</u>	<u>38.75%</u>
<u>13%</u>	<u>42.5%</u>
<u>14%</u>	<u>46.25%</u>
<u>15%</u>	<u>50%</u>

**112.1.7 Density Bonus for Development of ~~Child Care~~ Childcare Facility.**

112.1.7.1 A Housing Development meeting the requirements of Section [112.1.5](#) and [112.1.6](#) above and including a ~~child care~~ childcare facility that will be located on the premises of, as part of, or adjacent to, such a Housing Development shall receive either of the following:

112.1.7.1.1 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~~ childcare facility; or

112.1.7.1.2 An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the ~~child care~~ childcare facility.

112.1.7.2 When a Housing Development is providing a ~~Child Care~~ Childcare Facility consistent with this ordinance, then the conditions of approval shall require that:

112.1.7.2.1 The ~~child care~~ 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 affordable units are required to remain affordable; and

112.1.7.2.2 Of the children who attend the childcare facility, the children of Very Low Income Households, Lower Income Households, or persons or families of Moderate Income shall equal a percentage that is equal to or greater than the percentage of affordable units that are required pursuant to Section [112.1.5](#).

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

112.1.8 **Available Incentives and Concessions.** In addition to the applicable density bonus described above, an applicant may request in writing incentives or concessions in connection with its application for a density bonus in accordance with the density bonus calculation set forth in Section [112.1.6](#).

112.1.8.1 ~~An~~ The incentive or concession may ~~mean~~ include, but is not limited to:

112.1.8.1.1 A reduction in the site development standards or a modification of zoning code requirements or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code. These may include, ~~ing~~ but are not limited to, any of the following:

112.1.8.1.1.1 Reduced minimum lot sizes and dimensions-;

112.1.8.1.1.2 Reduced minimum yard setbacks-;

112.1.8.1.1.3 Increased maximum lot coverage; up to 80% lot coverage is allowed-;

112.1.8.1.1.4 Increased maximum building height-;

112.1.8.1.1.5 Reduced minimum building separation requirements-;

112.1.8.1.1.6 Reduced street standards (e.g. reduced minimum street widths)-;

112.1.8.1.1.7 Reduced solar shading requirements-;

112.1.8.1.1.8 Reduced on-site parking standards, including the number or size of spaces; or

112.1.8.1.1.9 Reduced minimum building separation requirements.

112.1.8.1.2 Other regulatory incentives or concessions proposed by the developer or the County which result in identifiable cost reductions or avoidance-;



112.1.8.1.3 A Density Bonus of more than twenty-five percent (25%). Density bonuses of 100% will be allowed for projects within mapped Housing Opportunity Zones with 100% of the units affordable to lower income households;

112.1.8.1.4 Deferred planning, plan check, construction permit, improvement plan review fees, map check fees, and/or development impact fees for projects with 100% of the units affordable to lower income households;

112.1.8.1.5 Direct financial aid in the form of a loan or a grant to subsidize or provide low interest financing for on- or off-site improvements, land or construction costs for projects with 100% of the units affordable to lower income households;

112.1.8.1.6 Fast-track processing of all permits and requirements for affordable housing projects through the Planning and Building, Environmental Health and Land Use Divisions by dedicated staff on a priority basis ahead of non-density bonus permit applications;

112.1.8.1.7 Deferral of subdivision improvement requirements consistent with the protection of public health and safety;

112.1.8.1.8 Approval of mixed-use development in conjunction with the proposed Housing Development if the non-residential land uses will reduce the cost of the proposed Housing Development, and the non-residential land uses are compatible with the proposed Housing Development, ~~and~~ surrounding development, and planned development; or

112.1.8.1.9 Other regulatory incentives or concessions proposed by the applicant or that the County determines will result in identifiable, financially sufficient, and actual cost reductions.

112.1.8.2 The County shall grant incentive(s) or concession(s) requested by the applicant, in accordance with this Section, unless the County can make a written finding, based upon the substantial evidence, of any of the following:

112.1.8.2.1 The incentive or concession ~~does~~ is not result in identifiable and actual cost reductions ~~required in order to provide for~~ affordable housing costs or affordable rents;

112.1.8.2.2 The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section [65589.5](#) of the California Government Code, upon public health and safety or physical environment or any real property that is listed in the California Register of Historical Resources and for which the County determines 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; or

112.1.8.2.3 The incentive or concession would be contrary to state or federal law.

112.1.8.3 The applicant shall receive the following number of incentives or concessions:

112.1.8.3.1 One incentive or concession for projects that include at least 10 percent of the total units reserved for lower income households, at least 5 percent reserved for very low income households, or at least 10 percent reserved for sale to persons and families of moderate income;

112.1.8.3.2 Two incentives or concessions for projects that include at least 17 percent of the total units reserved for lower income households, at least 10 percent reserved for very low income households, or at least 20 percent reserved for sale to persons and families of moderate income;

112.1.8.3.3 Three incentives or concessions for projects that include at least 24 percent of the total units reserved for lower income households, at least 15 percent reserved for very low income households, or at least 30 percent reserved for sale to persons and families of moderate income;

112.1.8.3.4 Four incentives or concessions for projects that include at least 16 percent of the total units for very low income households or at least 45 percent of the total units reserved for sale to persons and families of moderate income;

112.1.8.3.5 Five incentives or concessions for projects in which 100 percent of all units in the development, excluding the manager's unit or units, are reserved for lower income households. However, up to 20 percent of all the units may instead be reserved for Moderate Income Households;

112.1.8.3.5.1 If a project qualifies for these incentives and is located within one-half mile of a major transit stop, then the applicant shall also be entitled to a height increase of up to three (3) additional stories, or 33 feet.

112.1.8.3.6 One incentive or concession for student housing development projects that include at least 20 percent of the total units reserved for lower income students;

112.1.8.3.7 Two incentives or concessions for student housing development projects that include at least 23 percent of the total units reserved for lower income students;

112.1.8.3.8 The County may grant multiple Additional Incentives to facilitate the inclusion of more Target Units than are required by this section;

112.1.8.3.9 When qualified by and elected for in Section 112.1.7.1.2, one incentive or concession in addition to the incentives authorized by Sections 112.1.8.3.1 through 112.1.8.3.8, if applicable; or

112.1.8.3.10 One incentive or concession for conversion of apartments to a condominium that would include at least 33% of the total units of the proposed condominium project to Lower and Moderate Income Households, as an alternative to density bonus authorized by Section 112.1.6.6. This incentive shall not be permitted in addition to any other incentives or density bonuses.

**112.1.9 General Provisions for Density Bonuses and Incentives/Concessions.**

112.1.9.1 All density bonus calculations resulting in fractional units shall be rounded up to the next whole number.

112.1.9.2 The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

112.1.9.3 ~~(Section Reserved for Future Use) Upon request by the applicant, the County shall not require the proposed Housing Development eligible for a Density Bonus pursuant to this chapter to provide a parking ratio, including handicapped and guest parking, that exceeds the following:~~

~~112.1.9.3.1 Zero (0) to one (1) bedrooms: one (1) onsite parking space~~

~~112.1.9.3.2 Two (2) to three (3) bedrooms: two (2) onsite parking spaces~~

~~112.1.9.3.3 Four (4) and more bedrooms: two and one-half (2 ½) parking spaces.~~

~~If the total number of parking spaces required for the proposed 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 onsite parking through tandem parking or uncovered parking, but not through on-street parking.~~

~~112.1.9.4 The County shall not apply any development standard that would have the effect of precluding the construction of a proposed Housing Development meeting the requirements of Section [112.1.6](#) at the densities or with the incentives permitted by this Chapter. An applicant may submit with its application to the County a proposal for the waiver or reduction of development standards. A waiver or reduction of development standards, the application of which would physically preclude the development, shall not reduce nor increase the number of incentives or~~

~~concessions being requested. Nothing in this subsection, however, shall be interpreted to require the County to waive or reduce development standards if the waiver or reduction would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, 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 the County determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Furthermore, the applicant shall be required to prove that the waiver or modification is necessary to make the affordable units economically feasible. If a County development standard would effectively physically preclude the construction of a development with the densities or additional incentives described in Section 314-112, that otherwise would meet the criteria of Section 112.1.5.1, then an applicant may seek a waiver or reduction of those specific standards (hereafter referred to only as 'waiver') from the County.~~

112.1.9.4.1 This waiver shall be granted unless the County makes a written finding based on substantial evidence of any of the following:

112.1.9.4.1.1 That the development standard does not physically preclude the development's construction otherwise permitted by this section;

112.1.9.4.1.2 That the waiver would result in a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health or safety and for which the County determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;

112.1.9.4.1.3 That the waiver would be contrary to state or federal law; or

112.1.9.4.1.4 That the waiver would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

112.1.9.4.2 When this waiver is granted, the waiver shall not be treated as an Additional Incentive and does not grant additional Incentives.

112.1.9.4.3 This waiver shall not apply to developers that receive the waiver from maximum controls on density associated with projects that provide 100% low-income units within one-half mile of a major transit stop, as described by Section 112.1.6.9.2. However, the County has discretion to authorize both waivers.

**112.1.9.5 Location of Affordable Units.** The location of the affordable units within the Housing Development may be at the discretion of the developer. However, the affordable units shall:

112.1.9.5.1 Be constructed at the same time as the market units are constructed;

112.1.9.5.2 Be reasonably dispersed throughout the development and/or phases if applicable;

112.1.9.5.3 Be a similar unit type/size to the overall Housing Development; and

112.1.9.5.4 Be reasonably compatible with the design or use of the remaining units in terms of appearance, materials, and quality finish.

112.1.9.6 All sites associated with the Housing Development shall be contiguous and shall be the subject of one development application.

112.1.9.7 For the purposes of these sections, “located within one-half mile of a major transit stop” shall mean that any point on a proposed development is within one-half mile of any point on a property on which a major transit stop is located, as defined in subdivision (b) of Section 21155 of the California Government Code, including any parking lot owned by the transit authority or other local agency operating the major transit stop.

~~112.1.10 — Required Density Bonus Agreement and Terms of Agreement.~~

~~112.1.10.1 — A Density Bonus Housing Agreement must be executed prior to recording any final map for the underlying property or prior to the issuance of any building permit for the Housing Development, whichever comes first. The Density Bonus Housing Agreement shall be binding on all future owners and successors of interests of the Housing Development.~~

~~112.1.10.2 — The Density Bonus Housing Agreement shall:~~

~~112.1.10.2.1 Identify the type, size and location of each Affordable Housing Unit required hereunder;~~

~~112.1.10.2.2 Identify the term of the agreement, which would define the term of affordability of the required units;~~

~~112.1.10.2.3 Require that the Affordable Housing Units be constructed and completed by the developer as specified in this Chapter and in accordance with state law;~~

~~112.1.10.2.4 Require that each Affordable Housing Unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement.~~

~~112.1.10.2.5 Identify the means by which such continued availability shall be secured and enforced and the procedures under which the Affordable Housing~~

~~Units shall be leased and shall contain such other terms and provisions, the Planning Director may require. The agreement, in its form and manner of execution, shall be in a form able to be recorded with the Humboldt County Recorder.~~

~~112.1.10.2.6 The Density Bonus Housing Agreement shall be reviewed and approved by the Planning Director and the affordability of the required units shall be monitored for compliance by the Planning Division staff. The Planning Director is hereby expressly authorized to act as the County's agent to enter into the Density Bonus Housing Agreement for the purpose of enforcing the terms of the agreement consistent with this chapter.~~

**112.1.10.3 Required Terms for the Continued Availability of Affordable Units.**  
Affordability restrictions apply to Target Units in the following cases (however, when also required by a construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, the longest period of time applies):

~~112.1.10.3.1 Low and Very Low Income Households. A housing developer providing Low and Very Low income units in accordance with this chapter must continue to restrict those units to Low or Very Low Income households for a minimum of 30 years or longer term under another regulatory agreement from the date of initial occupancy.~~

~~112.1.10.3.2 Moderate Income Households. In the case of a Housing Development providing Moderate Income units, the initial occupant of the unit must be a person or family of Moderate Income.~~

~~112.1.10.3.2.1 Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The local government shall recapture any Initial Subsidy and its Proportionate Share of Appreciation; which shall be used within five years for any of the purposes described in subdivision (e) of Section [33334.2](#) of the Health and Safety Code that promote home ownership. Any recaptured funds shall be deposited into a Housing Trust Fund to be used in accordance with subsection (e) of Section [33334.2](#) of the Health and Safety Code."~~

112.1.10.1 When established to qualify for a Density Bonus and designated for rental to very low and low income households, Target Units shall remain restricted and affordable to the designated group for a period of fifty-five (55) years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program).

112.1.10.2 When existing, vacated, or demolished rental units are required to be replaced in accordance with Section 112.1.13 and identify this subsection as applicable, the replacement units shall remain restricted and affordable to households of the same or lower income category as those households in the former units for a period of fifty-five (55) years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program).

112.1.10.3 When established to qualify for a Density Bonus and designated for transitional foster youth, disabled veterans, or homeless persons, Target Units shall remain restricted and affordable to the designated group for a period of fifty-five (55) years (or a longer period of time if required by the construction or mortgage financing program, mortgage insurance program, or rental subsidy program). Affordability to these designated groups shall be at the same level as Very Low Income Households.

112.1.10.4 In a student housing development, when established to qualify for a Density Bonus and designated for lower income students, Target Units shall remain restricted and affordable to the designated group for a period of fifty-five (55) years (or a longer period of time if required by the construction or mortgage financing program, mortgage insurance program, or rental subsidy program).

112.1.10.4.1 Target Units subject to this subsection refer to one rental bed and its pro rata share of the associated common area facilities. The affordability restriction shall not tie these Target Units to any specific bedrooms within the student housing development, nor shall it prevent a lower income student from sharing a room with a non-lower income student.

#### **~~112.1.11 Application Requirements and Review.~~**

~~112.1.11.1 An application for a density bonus and additional incentives as allowed pursuant to this Chapter shall be processed concurrently with any other application(s) required for the Housing Development. Final approval or disapproval of the application (with right of appeal to the Board of Supervisors) shall be made by the Planning Commission unless direct financial assistance is requested. If direct financial assistance is requested, the Planning Commission shall make a recommendation to the Board of Supervisors who will have the authority to make the final decision on the application.~~

~~112.1.11.2 An applicant/developer proposing a Housing Development pursuant to this Chapter, may submit a preliminary application prior to the submittal of any formal request for approval of a Housing Development. Applicants are encouraged to schedule a pre-application conference with the Director or~~

designated staff to discuss and identify potential application issues including prospective Additional Incentives pursuant to Section 5 of this Chapter.

~~112.1.11.3 — The Director or designated staff shall inform the applicant/developer that the requested Additional Incentives shall be recommended for consideration with the proposed Housing Development, or that alternative or modified Additional Incentives pursuant to Section 314-112.1.5 shall be recommended for consideration instead of the requested Incentives. If alternative or modified Incentives are recommended by the Director, the recommendation shall establish how the alternative or modified Incentives can be expected to have an equivalent affordability effect as the requested Incentives.~~

#### **112.1.11.2 Density Bonus Housing Agreement.**

112.1.11.2.1 Applicant/Developers requesting a Density Bonus, shall agree to enter into a Density Bonus Housing Agreement with the County. The terms of the draft agreement shall be reviewed and revised as appropriate by the Director or designated staff, who shall formulate a recommendation to the ~~Planning Commission~~ approval authority/Hearing Officer for final approval.

112.1.11.2 Following execution of the agreement by all parties, the completed Density Bonus Housing Agreement, or other equivalent recording instrument, shall be recorded and the conditions therefrom filed and recorded on the parcel or parcels designated for the construction of Target 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 Density Bonus Housing Agreement shall be binding to all future owners and successors in interest.

112.1.11.3 The Density Bonus Housing Agreement shall include at least the following:

112.1.11.3.1 The total number of units approved for the Housing Development, including the number of Target Units;

112.1.11.3.2 A description of the household income group to be accommodated by the Housing Development, as outlined in Section 314-112.1.3, and the standards for determining the corresponding Affordable Rent or Affordable Sales Price and Housing Cost;

112.1.11.3.3 The location, unit sizes (square feet) and number of bedrooms of Target Units. Location of Target Units shall not be included for lower income units in student housing developments;



112.1.11.3.4 Tenure of use restrictions for Target Units of at least ~~10 or 30~~ 55 years, in accordance with Section ~~4 of this Chapter~~ 112.1.10;

112.1.11.3.5 A schedule for completion and occupancy of Target Units;

112.1.11.3.6 A description of the Additional Incentive(s) or Equivalent Financial Incentives being provided by the County;

112.1.11.3.7 A description of remedies for breach of the agreement by either party (the County may identify tenants or qualified purchasers as third party beneficiaries under the agreement);

112.1.11.3.8 Other provisions to ensure implementation and compliance with this Chapter;

112.1.11.3.9 In the case of for-sale Housing Developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the initial sale and use of Target Units during the applicable use restriction period:

112.1.11.3.9.1 Target Units shall, upon initial sale, be sold to eligible ~~Very Low or Lower Income H~~ households meeting the description of the household income group described per Section 112.1.11.3.2 at an Affordable Sales Price and Housing Cost, ~~or to Qualified Residents (i.e. maintained as Senior Citizen Housing) as defined by this Chapter~~;

112.1.11.3.9.2 Target Units shall be initially owner-occupied by eligible ~~Very Low or Lower Income H~~ households meeting the description of the household income group described per Section 112.1.11.3.2; ~~or by Qualified Residents in the case of Senior Citizen Housing~~;

112.1.11.3.9.3 The initial purchaser of each Target Unit shall execute an instrument or agreement approved by the County restricting the sale of the Target Units in accordance with this ordinance during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the Target Unit and shall contain such provisions as the County may require to ensure continued compliance with this ordinance and the State Density Bonus Law;

112.1.11.3.9.4 If a Target Unit is not purchased by a household meeting the description of the household income group described per Section 112.1.11.3.2 within 180 days after the issuance of the certificate of occupancy, the unit must be purchased by a qualified nonprofit housing corporation meeting all of the following requirements:

112.1.11.3.9.4.1 The nonprofit corporation has a determination letter from the California Internal Revenue Service (IRS) affirming its tax-exempt status and is not a private foundation, in accordance with Sections 501(c)(3) and 509 of the Internal Revenue Code, respectively;

112.1.11.3.9.4.2 The nonprofit corporation is based in California;

112.1.11.3.9.4.3 All board members of the nonprofit corporation have their primary residence in California;

112.1.11.3.9.4.4 The primary activity of the nonprofit corporation is the development and preservation of home ownership of affordable housing in California. The corporation should incorporate within their contracts for initial purchase of property either a repurchase option requiring subsequent purchasers to first offer the qualified nonprofit corporation the right to repurchase the property before selling or conveying the property to any other purchaser, pursuant to an equity sharing agreement, or affordability restrictions on the sale and conveyance of the property that ensure the property is preserved for at least 45 years for lower income housing as owner-occupied housing and will be sold or resold only to persons or households of very low, low, or moderate income, in accordance with the designated groups of the Target Unit(s); and

112.1.11.3.9.4.5 In accordance with the definition of “qualified nonprofit housing corporation” per California Government Code Section 65915(c)(2)(B), the nonprofit shall be organized pursuant to Section 501(c)(3) of the Revenue and Taxation Code and shall have received a welfare exemption for the relevant properties under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

112.1.11.3.9.5 The Target Unit shall be subject to an equity sharing agreement, except as otherwise specified in Section 112.1.11.3.9.4.4. Equity sharing agreements are enforced by the County, except when in conflict with requirements of another public funding source or law or are otherwise written such that they defer to recapture provisions of the other public funding source. The following provisions apply to equity sharing agreements:

112.1.11.3.9.5.1 Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller’s proportionate share of appreciation.

112.1.11.3.9.5.2 The County shall recapture any initial subsidies as defined in Section 112.1.11.3.9.5.3 and their proportionate share of appreciation as defined in Section 112.1.11.3.9.5.4. The proportionate share of appreciation shall be budgeted to only be utilized for any of the homeownership promoting purposes described in Section 33334.2(e) of California Health and Safety Code and shall be utilized within 5 years. Alternatively, a qualified nonprofit housing corporation may recapture these funds in accordance with Section 112.1.11.3.9.5.5.

112.1.11.3.9.5.3 As used in this subsection, initial subsidies are calculated as the fair market value of the residence at the time of the initial sale, minus the initial sale price to the designated household, plus the amount of any downpayment assistance or mortgage assistance. In cases where the residence's market value is lower on resale than the market value on initial purchase, the value at the time of resale shall instead be used as the initial market value.

112.1.11.3.9.5.4 As used in this subsection, the County's proportionate share of appreciation shall be equal to the ratio between the County's initial subsidy and the fair market value of the residence at the time of initial sale.

112.1.11.3.9.5.5 If the unit is purchased or developed by a qualified nonprofit housing corporation in accordance with Section 112.1.11.3.9.4, the County may contract with the corporation such that the nonprofit housing corporation would recapture any initial subsidy and its proportionate share of appreciation and the nonprofit housing corporation is required to utilize 100% of those proceeds to promote homeownership for Lower Income Households.

112.1.11.3.10 In the case of rental Housing Developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the use of Target Units during the use restriction period:

112.1.11.3.10.1 The rules and procedures for qualifying tenants, establishing Affordable Rent, filling vacancies, and maintaining Target Units for qualified tenants;

112.1.11.3.10.2 Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter;  
and

112.1.11.3.10.3 Provisions requiring owners to submit an annual report to the County, which includes the ~~name~~, address, and income of each person

occupying Target Units, and which identifies the bedroom size and monthly rent or cost of each Target Unit.

112.1.11.4 The Planning Director is hereby expressly authorized to act as the County's agent to enter into the Density Bonus Housing Agreement for the purpose of enforcing the terms of the agreement consistent with this chapter.

#### **112.1.12 Parking Standards for Density Bonus-Qualified Developments**

112.1.12.1 Upon request by the applicant, the County shall not require the proposed Housing Development eligible for a Density Bonus pursuant to this chapter to provide a parking ratio, including handicapped and guest parking, that exceeds the following:

112.1.12.1.1 Zero (0) to one (1) bedrooms: one (1) onsite parking space;

112.1.12.1.2 Two (2) to three (3) bedrooms: two (2) onsite parking spaces;

112.1.12.1.3 Four (4) and more bedrooms: two and one-half (2 ½) parking spaces; or

112.1.12.1.4 One (1) bedspace in a student housing development: zero (0) onsite parking spaces.

If the total number of parking spaces required for the proposed Housing Development is other than a whole number, the number shall be rounded up to the next whole number.

112.1.12.2 Upon request by the applicant, the County shall not require the proposed Housing Development eligible for a Density Bonus pursuant to this chapter to provide a parking ratio, including handicapped and guest parking, which exceeds 0.5 spaces per unit, provided that the following conditions are met:

112.1.12.2.1 Either of the following regarding percentage of Target Units:

112.1.12.2.1.1 At least twenty percent (20%) of the total units of the Housing Development are Target Units affordable to Low Income Households; or

112.1.12.2.1.2 At least eleven percent (11%) of the total units of the Housing Development are Target Unit affordable to Very Low Income Households.

112.1.12.2.2 The Housing Development is located within one-half mile of a major transit stop; and

112.1.12.2.3 There is unobstructed access to the major transit stop from the Housing Development.

112.1.12.3 Upon request by the applicant, the County shall not impose parking standards on a proposed Housing Development that meets the conditions of Section 112.1.5.1.7, provided that any of the following conditions are met:

112.1.12.3.1 The Housing Development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the Housing Development;

112.1.12.3.2 The Housing Development is a for-rent development for individuals who are 55 years of age or older, complies with Sections 51.2 and 51.3 of California Civil Code, and has either paratransit service or has unobstructed access to, within one-half mile, a fixed bus route service that operates at least eight (8) times per day; or

112.1.12.3.3 The Housing Development is either a special needs housing development or a supportive housing development, as defined in Sections 51312 and 50675 of California Government Code, respectively. To meet this condition, a special needs housing development requires either paratransit service or unobstructed access to, within one-half mile, a fixed bus route service that operates at least eight (8) times per day.

112.1.12.4 Unobstructed access means that a resident is able to traverse between the locations without encountering natural or constructed impediments, such as freeways, rivers, mountains, and bodies of water, but excluding residential structures, shopping centers, parking lots, or rails used for transit.

112.1.12.5 For the purposes of this section, onsite parking may be provided through tandem parking or uncovered parking, but not through on-street parking.

112.1.12.6 This section applies only at the request of the applicant and does not prevent an applicant from requesting parking incentives beyond those described here as an additional incentive or concession.

112.1.12.7 If a parking study containing the proposed area of development has been prepared within the past seven (7) years, then the County may impose higher vehicular parking ratios than those described in Sections 112.1.12.2 and 112.1.12.3, but not exceeding the ratios described in Section 112.1.12.1.

112.1.12.8 Changes to parking standards pursuant to this section are not to be considered as Additional Incentives or Concessions, nor shall they add additional Incentives or Concessions to an application's total, as described by Section 112.1.8.3.

### **112.1.13 Replacement of Existing Dwelling Units**

112.1.13.1 To qualify for any Density Bonus or Additional Incentives, the provisions of Section 112.1.13.2 must be met in either of the following circumstances:

112.1.13.1.1 The proposed Housing Development would be located on any property that includes a parcel(s) on which rental dwelling units are located; or

112.1.13.1.2 The proposed Housing Development would be located on any property that includes a parcel(s) on which rental dwelling units have been vacated or demolished in the five-year period preceding the application and either:

112.1.13.1.2.1 The dwelling units have been subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to households of lower or very low income;

112.1.13.1.2.2 The dwelling units have been subject to any form of price control through a public entity's valid exercise of its police power; or

112.1.13.1.2.3 The dwelling units had been occupied by lower or very low income households.

112.1.13.2 To qualify for a Density Bonus or Additional Incentive, rental dwelling units described by Section 112.1.13.1 are required to be replaced and either of the following must apply:

112.1.13.2.1 The proposed housing development, including the units requiring replacement, contains affordable units at the percentages described by Section 112.1.5.1; or

112.1.13.2.2 100% of the units in the development, excluding a manager's unit(s), is affordable to and occupied by either a lower or very low income household.

112.1.13.3 For a student housing development project that requires replacement units, a density bonus greater than 35% shall not be approved.

112.1.13.4 Where replacement is required, the proposed housing development shall provide at least the same number of units of equivalent size affordable to and occupied by households in the same or lower income category as the households in occupancy.

112.1.13.4.1 If all dwelling units have been vacated or demolished within the 5-year period preceding the application, then the number of units to be replaced

shall be at least the number that had existed at the high point of those units in that 5-year period. Additionally, "household(s) in occupancy" shall instead refer to the households in occupancy at that highpoint.

112.1.13.4.2 For unoccupied dwelling units in a development with occupied units, "household(s) in occupancy" shall instead refer to the last household in occupancy.

112.1.13.4.3 If the income category of the household in occupancy is not known, it shall be presumed that lower and very low income renter households occupied these units in the same proportion of low-income and very low-income households to all renter households within the County, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.

112.1.13.4.4 All replacement calculations resulting in fractional units shall be rounded up to the next whole number.

112.1.13.5 If the replacement units will be rental dwelling units, these units shall be subject to Section 112.1.10.2.

112.1.13.6 If the proposed development is for for-sale units, the units replaced shall be subject to Section 112.1.11.3.9.

112.1.13.7 "Equivalent size" as used in this section means that the replacement units contain at least the same total number of bedrooms as the units to be replaced.

112.1.13.8 For any dwelling unit requiring replacement that is, or was within the five-year period preceding the application, subject to a form of price control through a public entity's valid exercise of its police power and is or was occupied by households above lower income, the County has discretion to:

112.1.13.8.1 Require the replacement units to be made available at affordable rent for, or housing cost to, and occupied by low income households. If the replacement units will be rental dwelling units, these units shall be subject to Section 112.1.10.2. If the replacement units will be for-sale units, these units shall be subject to Section 112.1.11.3.9.

112.1.13.8.2 This subsection may be altered in the event that the County implements a rent control ordinance, in accordance with California Government Code Section 65915(c)(3)(C).

## SECTION 3. Relevant Definitions

Section 314-136 through 314-157, regarding Definitions in Title III, Division 1, Chapter 4 of the Humboldt County Code, is hereby amended as follows (modifications deleting text are shown in strike out and additions as underlined text; unmodified passages are omitted):

### Definitions:

#### 314-136 Definitions (A)

**Additional Incentives:** “Additional Incentives” means such regulatory concessions as specified in California Government Code Subsections [65915](#) (d) ~~and (b)~~. These include, but are not limited to, the reduction of site development standards or zoning code requirements, direct financial assistance, approval of mixed-use zoning in conjunction with the Housing Development, or any other regulatory incentive resulting in identifiable cost avoidance or reductions offered in addition to a Density Bonus. See Section [314-112.1](#), Residential Density Bonus, for further discussion.

#### 314-138 Definitions (C)

**~~Child Care~~ Childcare Facility:** A facility that provides non-medical care and supervision of minor children for periods of less than 24 hours and is licensed by the California State Department of Social Services, further subject to the definition in California Government Code Section [65915\(h\)\(4\)](#). This includes, but is not limited to, infant centers, preschools, extended daycare facilities, and school-age childcare centers, but excludes family daycare homes.

#### 314-139 Definitions (D)

**Density Bonus Housing Agreement:** A legally binding agreement between a developer and the County [Housing Authority or Planning Department] to ensure that the requirements of the Residential Density Bonus Section are satisfied ~~continued affordability of the Affordable Housing Units required by this chapter persists and the units are maintained in accordance with this chapter.~~ The agreement, among other things, shall establish: the number of Target Units, their size, location, terms and conditions of affordability, and production schedule. (See, Section [314-112.1](#), Residential Density Bonus, for further discussion.)

**Density Bonus Units:** Those additional residential units granted pursuant to the provisions of ~~this chapter~~ the Residential Density Bonus Section that exceed the otherwise Maximum Residential Density for the development site.

#### 314-143 Definitions (H)



**Housing Development:** A development project for five or more residential units, inclusive of single family, multifamily, and manufactured homes for sale or rent. This does not exclude mixed use developments that include the number of residential units described above. Within this chapter, it shall also include a subdivision or common interest development, a project which rehabilitates and converts a commercial building to a residential use and a condominium conversion of an existing multi-family building.

### **314-144 Definitions (I)**

**Incentives or Concessions:** Regulatory concessions which include, but are not limited to, the reduction of site development standards or zoning code requirements, approval of mixed-use zoning in conjunction with the Housing Development, or any other regulatory incentive which would result in identifiable, financially sufficient, and actual cost reductions that are offered in addition to a Density Bonus. See also, "Additional Incentives".

**Initial Subsidy:** The fair market value of the home at the time of initial sale minus the initial sale price to the ~~moderate income~~ designated household, plus the amount of any down payment assistance or mortgage assistance. If, upon resale, the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. (e.g., X (fair market value of the home to be purchased) - Y (the price the moderate income family paid for the home) + Z (amount of any down payment assistance) = Initial Subsidy).

### **314-147 Definitions (L)**

**Lower Income:** ~~Sixty percent~~ Eighty percent (80%) of the area median income for Humboldt County, ~~adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12).~~ (See also, "Affordable Rent." See also, Section [314-112.1](#), Residential Density Bonus, for further discussion.)

**Lower Income Student:** Means a student who has a household income and asset level that does not exceed the level specified for Cal Grant A or Cal Grant B award recipients in Section 69432.7(k) of California Government Code.

### **314-148 Definitions (M)**

**Moderate Income:** Between eighty and one hundred twenty percent (80%-120%) of the area median income for Humboldt County, adjusted for household size. (See Section [314-112.1](#), Residential Density Bonus, for further discussion)

**Moderate Income Household:** A household whose gross income does not exceed ~~120 percent of the area median~~ the moderate income limits applicable to Humboldt County, as published and periodically updated by the State Department of Housing and

Community Development pursuant to Sections [50079.5](#) and [50052.5](#) [50093](#) of the California Health and Safety Code.

### **314-154 Definitions (S)**

**Senior Citizen Housing Development:** A residential development developed, substantially rehabilitated or renovated, and having at least 35 dwelling units for senior citizens in compliance with the requirements of Section [51.3](#) and [51.12](#) of the California Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section [798.76](#) or [799.5](#) of the Civil Code.

**Student Housing Development:** Means a development that contains bedrooms containing two or more bedspaces that have a shared or private bathroom, access to a shared or private living room, access to shared or private laundry facilities, and access to a shared or private kitchen.

### **314-155 Definitions (T)**

**Target Unit:** Means a dwelling unit within a Housing Development that will be reserved for sale or rent to, and affordable to, Very Low or Lower Income Households, Lower Income Students, transitional foster youth, disabled veterans, homeless persons, or Qualifying Residents, as identified in the Density Bonus Housing Agreement. 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: (See below table.)

TARGET UNITS	
UNIT SIZE	HOUSEHOLD SIZE
SRO (residential hotel) unit	75% of 1 person
0 bedroom (studio)	1 person
1 bedroom	2 persons
2 bedrooms	3 persons
3 bedrooms	4 persons
4 bedrooms	6 persons

(See Section [314-112.1](#), Residential Density Bonus, for further discussion. Also see, “Affordable Rent,” “Affordable Sales Price,” “Qualifying Residents,” “Lower Income Households,” “Very Low Income Households.”)

### **314-157 Definitions (V)**

**Very Low Income:** Fifty percent (50%) of the area median income for Humboldt County, adjusted for household size, ~~multiplied by thirty percent (30%) and divided by twelve~~

(12). ~~(See “Affordable Rent.”~~ (Also see, Section [314-112.1](#), Residential Density Bonus, for further discussion.)