

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Planning Director *DB*
Prepared by Barry K. Hogan, Deputy City Manager *jsa*

DATE: June 5, 2009 (CC Meeting of 6/17/09)

SUBJECT: Consider General Plan Amendment 2009-02 Amending the Land Use Element, Section 5.1; Zoning Ordinance Amendment 2009-02, Amending Chapter 17.64 of the Moorpark Municipal Code in its Entirety; and Downtown Specific Plan Amendment No. 2, Amending Section 2.2.3 and 2.3.3 of the Downtown Specific Plan Regarding Density Bonus Policies and Regulations

DISCUSSION

On May 26, 2009 the Planning Commission considered and recommended to the City Council changes to the City's General Plan, Downtown Specific Plan and density bonus regulations in the City's Zoning Ordinance. The purposes of the amendments are to bring the City's density bonus requirements in line with the latest changes in state law and to provide greater incentive to developers to provide affordable housing in Moorpark.

The General Plan amendment and the Downtown Specific Plan amendment allow for density bonuses to be approved over the allowable density in the particular land use areas and the Zoning Ordinance amendment provides the specific requirements for density bonus. Under the proposed ordinance, if a project has sixty percent (60%) of its units restricted for low and very low income households, the Council may grant up to a seventy-five percent (75%) density bonus. If a project has one hundred percent (100%) of its units restricted for low and very low income households, the Council may grant up to a one hundred percent (100%) density bonus. Since the Planning Commission meeting, staff has clarified in the proposed Zoning Ordinance amendment that these increases above the state mandate would only apply to family housing, where the City has the greatest unmet housing need. Senior housing would be excluded from this increased density bonus.

The attached Planning Commission staff report contains a more detailed description of the proposed amendments as well as shows the proposed amendments in a legislative format. The changes to the City's Zoning Ordinance have been reviewed by the City Attorney in accordance with City policy. The ordinance and resolution that are attached show the amendments in their final form.

PROCESSING TIME LIMITS

Since this ordinance amendment was initiated by the City, the processing time limits under the Permit Streamlining Act (Government Code Title 7, Division 1, Chapter 4.5), the Subdivision Map Act (Government Code Title 7, Division 2), and the California Environmental Quality Act Statutes and Guidelines (Public Resources Code Division 13, and California Code of Regulations, Title 14, Chapter 3) are not applicable.

ENVIRONMENTAL DETERMINATION

In accordance with the City's environmental review procedures adopted by resolution, the Planning Director determines the level of review necessary for a project to comply with the California Environmental Quality Act (CEQA). Some projects may be exempt from review based upon a specific category listed in CEQA. Other projects may be exempt under a general rule that environmental review is not necessary where it can be determined that there would be no possibility of significant effect upon the environment. A project which does not qualify for an exemption requires the preparation of an Initial Study to assess the level of potential environmental impacts.

Based upon the results of an Initial Study, the Director may determine that a project will not have a significant effect upon the environment. In such a case, a Notice of Intent to Adopt a Negative Declaration or a Mitigated Negative Declaration is prepared. For many projects, a Negative Declaration or Mitigated Negative Declaration will prove to be sufficient environmental documentation. If the Director determines that a project has the potential for significant adverse impacts and adequate mitigation can not be readily identified, an Environmental Impact Report (EIR) is prepared.

The Director has reviewed this project and found it to qualify for a General Rule Exemption in accordance with Section 15061 of California Code of Regulations (CEQA Guidelines). No further environmental documentation is required.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. 2009-____ approving General Plan Amendment 2009-02 and Downtown Specific Plan Amendment No. 2.
3. Introduce Ordinance No. ____ approving Zoning Ordinance Amendment 2009-02, for first reading, waive full reading, and schedule second reading and adoption for July 1, 2009.

ATTACHMENTS:

1. May 26, 2009 Planning Commission Agenda Report
2. Resolution 2009-____
3. Ordinance No. _____

**MOORPARK PLANNING COMMISSION
AGENDA REPORT**

TO: Honorable Planning Commission

FROM: David A. Bobardt, Planning Director
Prepared by Barry K. Hogan, Deputy City Manager

DATE: May 21, 2009 (PC Meeting of 5/26/09)

SUBJECT: Consider General Plan Amendment 2009-02 Amending the Land Use Element, Section 5.1; Zoning Ordinance Amendment 2009-02, Amending Chapter 17.64 of the Moorpark Municipal Code in its Entirety; and Downtown Specific Plan Amendment No. 2, Amending Section 2.2.3 and 2.3.3 of the Downtown Specific Plan Regarding Density Bonus Policies and Regulations

BACKGROUND

California Government Code Section 65915 et seq. requires local jurisdictions to adopt ordinances that provide for density bonuses, concessions, and incentives when housing for very low, low, and moderate income households or seniors is provided. A density bonus is an increase in the number of units that can be built above what is allowed under the existing zoning for the land. Moorpark's density bonus policies and regulations are contained in Section 5.1 of the General Plan Land Use Element, Chapter 17.64 of the Zoning Ordinance, and in the Downtown Specific Plan. Recent changes in the Government Code relative to density bonuses require that the City amend its density bonus provisions in all three of these documents. The City's density bonus program is currently capped at a maximum of twenty-five percent (25%) above the maximum density allowed according to the underlying zoning. State law now requires cities to grant density bonuses up to thirty-five percent (35%) depending on the percentage and type of affordable housing provided. State law also allows cities to approve greater density bonuses by local ordinance.

DISCUSSION

General Plan Amendment 2009-02: In the Land Use Element of the General Plan, Section 5.1, under Land Use Categories, is a paragraph and a table indicating how density bonuses are to be implemented. Specifically, the language is as follows, with the suggested changes shown in legislative format:

Residential Density

For each of the residential land use classifications listed in Table 2, the maximum density for new development shall be the density as shown in Column A. The City Council may approve a density bonus above ~~over~~ the otherwise maximum residential density, consistent with the State Density Bonus Law (Section 65915 et seq. of the California Government Code) and any density bonus provisions contained in the City Municipal Code. No density bonuses will increase with the percentage of affordable housing provided, but may not exceed 100%. ~~shall exceed the Density limit shown in Column B of Table 2.~~

Table 2

RESIDENTIAL LAND USE DESIGNATIONS

Residential Designation	A. Maximum Density*	B. Density Limit**
RL Rural Low	1.0 DU/5 Acres	1.25 DU/Acre
RH Rural High	1.0 DU/Acre	1.25 DU/Acre
L Low	1.0 DU/Acre	2.0 DU/Acre
ML Medium Low	2.0 DU/Acre	3.0 DU/Acre
M Medium	4.0 DU/Acre	5.0 DU/Acre
H High	7.0 DU/Acre	10.0 DU/Acre
VH Very High	15.0 DU/Acre	20.0 DU/Acre

* Maximum development density unless a density bonus is approved consistent with State Density Bonus Law and City Municipal Code.

** ~~No density bonus shall result in a density level which exceeds the Density Limit established in Table 2~~

It is not necessary to have detailed density limits in the General Plan when the state law already covers this issue. Having detailed density limits in the general plan provides for a “built-in” area of potential conflict with state law as state law changes in the future. The Zoning Ordinance and Specific Plans, which must be consistent with the General Plan, are where the City’s specific concerns can be addressed. The 100% cap on density bonuses is consistent with the recommendations for the Zoning Ordinance.

Zoning Ordinance Amendment 2009-02: Chapter 17.64, when adopted in 1994, was in compliance with the state law in effect at that time. It was very specific as to the City’s requirements for affordable housing and density bonus. The amendment proposed references state law, describes the City’s process for approving density bonuses and, in accordance with state law, provides regulations to allow the City the opportunity to grant density bonuses for developments which provide high percentages of low and very low affordable housing above the levels allowed by state law.

State density bonus law allows a local jurisdiction to have an ordinance that grants density bonuses in excess of the thirty-five percent (35%) levels now mandated. This proposed amendment would give the City Council the authority to grant two levels of greater density bonuses for projects with a high percentage of housing units that are specifically restricted in their price or rent to be affordable to low and very low income households according to the following:

- Under the proposed ordinance, if a project has sixty percent (60%) of its units restricted for, and to be affordable by low and very low income households, the Council may grant up to a seventy-five percent (75%) density bonus.
- If a project has one hundred percent (100%) of its units restricted for, and to be affordable by low and very low income households, the Council may grant up to a one hundred percent (100%) density bonus.

In order to grant the density bonus under the proposed ordinance, the City Council would have to approve a residential planned development permit (RPD), development agreement (DA) or disposition and development agreement (DDA) and a housing agreement. Approval of these applications are necessary to ensure quality of the housing development, evaluate any incentives or concessions granted by the City, and to ensure that the low and very low income housing remains affordable for at least thirty (30) years. The allowance to grant density bonuses above the thirty-five percent (35%) level of state law is only for low and very low income housing, and does not include other types of housing addressed in the state density bonus law, such as senior and moderate income housing. It is staff's opinion that the thirty-five (35%) density bonus for senior housing or moderate housing under state law is sufficient to attract such housing and if not, it may be supplemented with City incentives or concessions to be determined on a project-by-project basis. The proposed ordinance is in Exhibit B of the attached resolution. For density bonuses in excess of the state mandate, the City Council would have to find that the housing meets a need identified by the Housing Element of the General Plan and that projected project is compatible with surrounding development.

Downtown Specific Plan Amendment No. 2: Two amendments to the Downtown Specific Plan are necessary in order to bring the Specific Plan into consistency with the proposed amendments to the City's General Plan and Zoning Ordinance:

- Section 2.2.3, Residential Planned Development (RPD) under Chapter 2 of Land Use and Zoning; and
- Section 2.3.3 Lot Consolidation and Incentives

The revised language for both sections is shown below in legislative format:

2.2.3 Residential Planned Development (RPD)

2. Development Requirements

The density ~~range maximums~~ in the Residential Planned Development area ~~has~~ been established to encourage lot consolidation and redevelopment of under-developed or declining properties. Density bonuses may be granted by the City Council for a housing development anywhere in the RPD areas~~The maximum under the density bonus program is 20 units/acre. The maximum permissible density can only be achieved when it is for a low/very low or senior housing project in accordance with provisions of California Government Code Section 65915 et seq. and Chapter 17.64 of the Moorpark Municipal Code. Section 2.3.3 Lot Consolidation and Incentives Renovation provides for increases in density beyond the low end of 7 dwelling units per acre. This section allows the for increased density under certain standards and conditions.~~

2.3.3 Lot Consolidation and Incentives

The maximum density in the High to Very High Density Residential areas can only be achieved when lot consolidation occurs. On the Specific Plan Zoning Map, Figure 6, those areas are zoned RPD 7 – 14 dwelling units per acre. Lot consolidation allows for greater flexibility in site design, potential for reduction in the number of driveways serving the consolidated property and opportunities to more quickly improve a neighborhood. Density bonuses which are granted must be consistent with the requirements of Chapter 17.64 of the Moorpark Municipal Code and the California Government Code 65915 et seq. Without lot consolidation, the density bonus in the RPD 7-14 dwelling units per acre zones will be calculated at 7 du/ac. With lot consolidation, the density bonus will be calculated at 14 du/ac. (The remainder of this section is proposed to be deleted since it conflicts with the amendment to the Zoning Ordinance.)

The proposed amendments to Section 2.2.3 clarify that the City Council may approve density bonuses anywhere within the established range of density allowed for RPDs and allows for maximum density bonuses for housing developments which are one hundred percent (100%) low and very low income housing. The proposed amendments to Section 2.3.3 simplify the process by referring to the Zoning Ordinance provisions for density bonus.

PROCESSING TIME LIMITS

Since this ordinance amendment was initiated by the City, the processing time limits under the Permit Streamlining Act (Government Code Title 7, Division 1, Chapter 4.5), the Subdivision Map Act (Government Code Title 7, Division 2), and the California Environmental Quality Act Statutes and Guidelines (Public Resources Code Division 13, and California Code of Regulations, Title 14, Chapter 3) are not applicable.

ENVIRONMENTAL DETERMINATION

In accordance with the City's environmental review procedures adopted by resolution, the Planning Director determines the level of review necessary for a project to comply with the California Environmental Quality Act (CEQA). Some projects may be exempt from review based upon a specific category listed in CEQA. Other projects may be exempt under a general rule that environmental review is not necessary where it can be determined that there would be no possibility of significant effect upon the environment. A project which does not qualify for an exemption requires the preparation of an Initial Study to assess the level of potential environmental impacts.

Based upon the results of an Initial Study, the Director may determine that a project will not have a significant effect upon the environment. In such a case, a Notice of Intent to Adopt a Negative Declaration or a Mitigated Negative Declaration is prepared. For many projects, a Negative Declaration or Mitigated Negative Declaration will prove to be sufficient environmental documentation. If the Director determines that a project has the potential for significant adverse impacts and adequate mitigation can not be readily identified, an Environmental Impact Report (EIR) is prepared.

The Director has reviewed this project and found it to qualify for a General Rule Exemption in accordance with Section 15061 of California Code of Regulations (CEQA Guidelines). No further environmental documentation is required.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. PC-2009-_____ recommending to the City Council approval of General Plan Amendment 2009-02, Zoning Ordinance Amendment 2009-02, and Downtown Specific Plan Amendment No. 2.

ATTACHMENT:

1. PC Resolution 2009-_____

RESOLUTION NO. 2009-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT 2009-02, AMENDING THE LAND USE ELEMENT, SECTION 5.1, LAND USE CLASSIFICATIONS, RESIDENTIAL DENSITY AND TABLE 2 AND DOWNTOWN SPECIFIC PLAN AMENDMENT NO. 2, AMENDING SECTIONS 2.2.3 AND 2.3.3 OF THE DOWNTOWN SPECIFIC PLAN

WHEREAS, at its meeting of May 26, 2009, the Planning Commission conducted a duly-noticed public hearing on General Plan Amendment 2009-02 amending the Land Use Element, Section 5.1, Land Use Classifications, Residential Density and Table 2 and Downtown Specific Plan Amendment No. 2, amending Sections 2.2.3 and 2.3.3 of the Downtown Specific Plan, received public testimony on the proposed amendments, and after receiving oral and written public testimony, closed the public hearing and reached a decision recommending approval of the amendments; and

WHEREAS, at its meeting of June 17, 2009, the City Council conducted a duly-noticed public hearing on General Plan Amendment 2009-02 amending the Land Use Element, Section 5.1, Land Use Classifications, Residential Density and Table 2 and Downtown Specific Plan Amendment No. 2, amending Sections 2.2.3 and 2.3.3 of the Downtown Specific Plan, received public testimony on the proposed amendments, and after receiving oral and written public testimony, closed the public hearing and reached a decision; and

WHEREAS, the City Council concurs with the Planning Director's determination that this project is exempt from the provisions of the California Environmental Quality Act by the general rule that CEQA only applies to projects that may have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council finds Amendment No. 2 of Specific Plan No. 1995-01 (Downtown Specific Plan) consistent with the City of Moorpark General Plan as amended by General Plan Amendment No. 2009-02.

SECTION 2. The City Council approves General Plan Amendment 2009-02, amending the Land Use Element, Section 5.1, Land Use Classifications, Residential Density and Table 2 and Downtown Specific Plan Amendment No. 2, amending Section 2.2.3 and 2.3.3 of the Downtown Specific Plan as recommended by staff and shown in attached Exhibits A and B.

SECTION 3. If any section, subsection, sentence, clause, phrase, part or portion of this Resolution is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 4. This Resolution shall become effective upon the effective date of Ordinance No. _____ approving Zoning Ordinance Amendment No. 2009-02.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 17th day of June, 2009.

Janice A. Parvin, Mayor

Deborah S. Traffenstedt, City Clerk

- Exhibit A: Amendment to the Land Use Element Section 5.1, Land Use Classifications, Residential Density and Table 2
Exhibit B: Amendment to Sections 2.2.3 and 2.3.3 of the Downtown Specific Plan

EXHIBIT A

**GENERAL PLAN AMENDMENT NO. 2009-02
LAND USE ELEMENT
SECTION 5.1 RESIDENTIAL DENSITY AND TABLE 2**

Residential Density

For each of the residential land use classifications listed in Table 2, the maximum density for new development shall be the density as shown. The City Council may approve a density above bonus over the otherwise maximum residential density, consistent with the State Density Bonus Law (Section 65915 et seq. of the California Government Code) and any density bonus provisions contained in the City Municipal Code. Density bonuses will increase with the percentage of affordable housing provided, but may not exceed 100%.

Table 2

RESIDENTIAL LAND USE DESIGNATIONS

Residential Designation	Maximum Density*
RL Rural Low	1.0 DU/5 Acres
RH Rural High	1.0 DU/Acre
L Low	1.0 DU/Acre
ML Medium Low	2.0 DU/Acre
M Medium	4.0 DU/Acre
H High	7.0 DU/Acre
VH Very High	15.0 DU/Acre

* Maximum development density unless a density bonus is approved consistent with State Density Bonus Law and City Municipal Code.

EXHIBIT B

**DOWNTOWN SPECIFIC PLAN AMENDMENT NO. 2
SECTIONS 2.2.3 (2) AND 2.3.3**

2.2.3 Residential Planned Development (RPD)

2. Development Requirements

The density range in the Residential Planned Development area has been established to encourage lot consolidation and redevelopment of under-developed or declining properties. Density bonuses may be granted by the City Council for a housing development anywhere in the RPD areas in accordance with provisions of California Government Code Section 65915 et seq. and Chapter 17.64 of the Moorpark Municipal Code. Section 2.3.3 Lot Consolidation and Incentives allows the increased density under certain standards and conditions.

2.3.3 Lot Consolidation and Incentives

The maximum density in the High to Very High Density Residential areas can only be achieved when lot consolidation occurs. On the Specific Plan Zoning Map, Figure 6, those areas are zoned RPD 7 – 14 dwelling units per acre. Lot consolidation allows for greater flexibility in site design, potential for reduction in the number of driveways serving the consolidated property and opportunities to more quickly improve a neighborhood. Density bonuses which are granted must be consistent with the requirements of Chapter 17.64 of the Moorpark Municipal Code and the California Government Code 65915 et seq. Without lot consolidation, the density bonus in the RPD 7-14 dwelling units per acre zones will be calculated at 7 du/ac. With lot consolidation, the density bonus will be calculated at 14 du/ac. (The remainder of this section is proposed to be deleted since it conflicts with the amendment to the Zoning Ordinance.)

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA APPROVING ZONING ORDINANCE AMENDMENT NO. 2009-02, AMENDING CHAPTER 17.64 OF THE MOORPARK MUNICIPAL CODE IN ITS ENTIRETY

WHEREAS, at its meeting of May 26, 2009, the Planning Commission conducted a duly-noticed public hearing on Zoning Ordinance Amendment 2009-02, amending Chapter 17.64 of the Moorpark Municipal Code in its entirety, received public testimony on the proposed amendment, and after receiving oral and written public testimony, closed the public hearing and recommended approval of Zoning Ordinance Amendment No. 2009-02 to the City Council; and

WHEREAS, at its meeting of June 17, 2009, the City Council conducted a duly-noticed public hearing on Zoning Ordinance Amendment 2009-02, amending Chapter 17.64 of the Moorpark Municipal Code in its entirety, received public testimony on the proposed amendments, and after receiving oral and written public testimony, closed the public hearing and reached a decision; and

WHEREAS, the City Council concurs with the Planning Director's determination that this project is exempt from the provisions of the California Environmental Quality Act by the general rule that CEQA only applies to projects that may have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK, DOES ORDAIN AS FOLLOWS:

SECTION 1. GENERAL PLAN AND SPECIFIC PLAN CONSISTENCY: The City Council finds the proposed amendments under Zoning Ordinance Amendment No. 2009-02 Amending Chapter 17.64 of the Moorpark Municipal Code in its entirety consistent with the City of Moorpark General Plan and all adopted Specific Plans.

SECTION 2. Chapter 17.64 of the Moorpark Municipal Code is amended in its entirety as shown in Exhibit A attached.

SECTION 3. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star a newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this ____ day of _____, 2009.

Janice A. Parvin, Mayor

Deborah S. Traffenstedt, City Clerk

Attachments:

Exhibit A, Chapter 17.64

EXHIBIT A

**ZONING ORDINANCE AMENDMENT NO. 2009-02
CHAPTER 17.64 DENSITY BONUS PROVISIONS
(AMENDED IN ITS ENTIRETY)**

- 17.64.010 Purpose and intent.**
- 17.64.020 Definitions.**
- 17.64.030 Density bonus, concession and incentives.**
- 17.64.040 Housing agreement.**
- 17.64.050 Compatibility with market-rate housing**

17.64.010 Purpose and intent.

This chapter sets forth the requirements under which density bonuses and other incentives may be offered by the city to developers of housing development projects pursuant to State Government Code Section 65915 et seq. The city's intent is to encourage the provision of housing affordable to very low, low, and moderate income households and to encourage the provision of housing for senior citizens consistent with the latest adopted Moorpark General Plan, the requirements of Government Code 65915 et seq. and this chapter.

17.64.020 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, the definitions of Government Code 65915 et seq. shall apply. In addition, the following definition is provided:

"Housing agreement" means an agreement between the developer and the city guaranteeing the affordability of rental or ownership units to very low or lower income households or to senior citizens in accordance with the provisions of this chapter.

17.64.030 Density bonus, concessions and incentives.

A. The city council shall grant a density bonus and/or concessions and/or incentives for eligible residential development projects in accordance with state density bonus law (Government Code Section 65915 et seq.) and this chapter through the approval of a residential planned development permit, development agreement in accordance with chapter 15.40 of the Moorpark Municipal Code, and/or disposition and development agreement in accordance with California Health and Safety Code 33000 et seq., and a housing agreement.

B. Density.

1. The increase in the allowable housing units under a density bonus is based on the percentage density increase above that permitted under the existing zoning per state density bonus law (Government Code Section 65915 et seq.) and this chapter.

2. When one hundred percent (100%) of the units in a housing development project are restricted to be affordable to low or very low income households for the life of the project, a density bonus up to a maximum of one hundred percent (100%) greater

density than allowed by the existing zone may be granted by the city council when considering project entitlements. The one hundred percent (100%) maximum density bonus is inclusive of all density bonuses allowed under Government Code Section 65915 et seq. and this chapter.

3. When at least sixty percent (60%) of the units in a housing development project are restricted to be affordable to low or very low income households for the life of the project, a density bonus up to a maximum of seventy-five percent (75%) greater density than allowed by the existing zone may be granted by the city council when considering project entitlements. The seventy-five percent (75%) maximum density bonus is inclusive of all density bonuses allowed under Government Code Section 65915 et seq. and this chapter.

4. For density bonuses higher than required by State law, the city council must find that a) the project will help to meet a local housing need for family housing as identified by the housing element of the general plan and b) the project will be compatible with surrounding development. Density bonuses higher than required by State law may not be granted for an age-restricted for senior housing project.

C. Concessions and/or incentives.

1. Concessions and/or incentives determined by the city council necessary in order to develop affordable units in lieu of or in addition to density bonuses may include but are not limited to the following:

a. A reduction in development standards by an amount not to exceed twenty percent (20%), or a reduction in architectural design requirements beyond the minimum building standards adopted by the city; and

b. Other regulatory incentives or concessions proposed by the developer or the city, which result in identifiable cost reductions.

2. The City Council, in granting higher density bonuses under Sections 17.64.030(B)(2) and 17.64.030(B)(3), is not obligated to grant any additional incentives or concessions.

17.64.040 Housing agreement. A housing agreement in a form acceptable to the city council is required as part of the granting of a density bonus. This agreement must meet the minimum requirements of Government Code Section 65915 for continued affordability and those projects granted a density bonus under Sections 17.64.030(B)(2) or Section 17.64.030(B)(3) shall remain affordable to low and very low income households for the life of the project.

17.64.050 Compatibility with market-rate housing. Affordable housing units provided by a density bonus and developed in conjunction with a market-rate housing development must be of similar design and quality as the market-rate units. Exterior colors and materials and interior floor plans and materials of affordable units must be comparable with the market-rate units. Interior window treatments (i.e. blinds, shutters, and/or curtains), must be provided on all windows of affordable units. Other interior features, such as luxury flooring, upgraded appliances and custom lighting fixtures, need not be the same as market-rate units as determined by the city in the housing agreement.