

Chapter 17.58 **DENSITY BONUSES AND OTHER CONCESSIONS OR INCENTIVES**

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17.58.010 Purpose.

The purpose of this chapter is to provide incentives for the production of housing for lower income households (which, as set forth in California Health and Safety Code Section [50079.5B](#), includes very low and extremely low income households) and senior households in accordance with Sections [65915](#) through [65917](#) of the California Government Code. Section [65915](#) directs the town to provide density bonuses and/or other concessions or incentives under certain circumstances, as set forth in Section 65915 et seq., in order to encourage the construction of low income housing. (Density bonuses essentially allow more units per acre than would otherwise be permitted. Other concessions or incentives, for example, could include the reduction or waiver of permit fees and/or utility fees and/or the provision of financial assistance in constructing public improvements.) Section 65915 also directs the town to adopt an ordinance specifying how the town will comply with these provisions. (Ord. 606 § 1 (part), 2014)

17.58.020 Approval Authority.

The designated approval authority for density bonuses and other concessions or incentives is the city council. The town planner and planning commission provide recommendations and the city council approves, conditionally approves, or denies the density bonuses and other concessions or incentives in accordance with the requirements of this title as described in Section [17.06.070](#) (Approval Authority) and Table 17.06.070-1. (Ord. 606 § 1 (part), 2014)

17.58.030 When Applicable.

A. The town may grant a density bonus for projects meeting the requirements of California Government Code Section [65915](#).

B. Any lot created pursuant to the density bonus ordinance provisions shall not be less than eighty percent of the minimum lot size for the district in which they are located and such reduced lot size shall only be applicable where a density bonus has been granted. (Ord. 606 § 1 (part), 2014)

17.58.040 Integration with Subdivision Approval Process.

A. The applicant shall submit to the town planner a final application including the following:

1. A legal description of the site proposed for development;
2. A statement of present ownership;
3. A letter signed by the property owner stating what incentives, if any, are being requested from the town;
4. A detailed vicinity map;
5. Site plans designating the total number of units proposed on the site, including the number of density bonus units, and any other supporting plans requested by the town planner;
6. Lot sizes shall not be less than eighty percent of the minimum lot size for the district in which they are located;
7. In the case of a request for any incentive(s), a pro forma for the proposed project to justify the request; and
8. Any other materials deemed necessary by the town planner in order for the planning commission to make a decision on the application.

B. The town planner shall process the application in conjunction with the related environmental assessment, if any, and the subdivision map application, which shall be processed by the city engineer according to the provisions of Title [16](#). Both applications shall be scheduled for consideration by the planning commission at the same meeting.

C. The planning commission shall evaluate the application based on the following criteria:

1. The potential for the density bonus project to achieve the town's affordable housing goals as set forth in the housing element of the general plan;

2. The extent to which requested incentives or concessions are necessary to make the project economically feasible;
 3. The compatibility of the project's development pattern with other land uses in the vicinity; and
 4. The project's compliance with the town's general plan, zoning, and development policies.
- D. The planning commission shall grant the incentives or concessions unless the planning commission makes a written finding pursuant to Section 65915(d)(1).
- E. A density bonus housing agreement shall be made a condition of the discretionary permits (e.g., tentative maps, parcel maps, conditional use permits) for all housing developments for which a density bonus and/or additional incentives have been approved. The agreement shall be filed and recorded as a deed restriction on the property. The town shall provide periodic monitoring of compliance with the provisions of the deed restriction. (Ord. 606 § 1 (part), 2014)