
Sec. 35-102C. AH Affordable Housing.

(Added by Ord. 4110, 7/20/93; Amended by Ord. 4169, 10/11/94)

Sec. 35-102C.1. Purpose

The purpose of this overlay is to promote the development and provision of affordable housing within communities, thereby implementing the policies of the Coastal Land Use Plan, the policies of the County's Housing Element of the Comprehensive Plan and the goals of the Regional Housing Needs Plan. Standards of development and performance shall be consistent with all applicable policies and provisions of the Local Coastal Program, and where feasible may be designed to provide incentives to developers to construct affordable housing while retaining good design and architectural compatibility with adjacent land uses. The intent of this Overlay District is to provide substantial incentives to encourage the provision of either 30% or more of all new units available to very low income households or 50% or more of all new units constructed available to a mix of affordable income ranges. *(Amended by Ord. 4169, 10/11/94)*

Sec. 35-102C.2. Application of AH Overlay District.

The AH Overlay District may be applied in conjunction with the preparation of a Community Plan, or as a County initiated amendment to the Coastal Land Use Element of the Comprehensive Plan, and shall indicate the maximum number of units designated by the overlay. The AH Overlay District shall be applied to parcels subject to, or concurrently considered for, the application of the Affordable Housing Land Use Designation Overlay.

(Amended by Ord. 4169, 10/11/94)

Sec. 35-102C.3. Effect of AH Overlay District.

Within the AH Overlay District, residential development projects are eligible for increased densities, up to the maximum number of units designated by the overlay, provided that either 30% or more of all new units are available to very low income households, or 50% or more of all new units are available to a mix of affordable income households, as determined by the County. Such increased density projects are referred to herein as "AH Overlay projects." *(Amended by Ord. 4169, 10/11/94)*

Sec. 35-102C.4. Processing.

- a. No permits for development of an AH Overlay project, including grading, shall be issued except in conformance with an approved Final Development Plan, as

provided in Sec. 35-174 (Development Plans), and with Sec. 35-169 (Coastal Development Permits).

- b. In order to ensure that all AH-Overlay projects receive timely and preferential processing, qualifying AH Overlay projects shall be subject to the fast track permit process. AH Overlay projects may be eligible for administrative incentives such as deferred fees and for other development incentives provided for in the coastal zoning ordinance. *(Amended by Ord. 4169, 10/11/94)*

Sec. 35-102C.5. Uses Permitted.

- 1. All uses permitted in the base zone district.
- 2. The following uses may be permitted, in addition to the uses of the base zone district, pursuant to Development Plan approval: Single-family dwellings, duplexes, apartments, condominiums, townhouses, cluster housing, planned unit developments, small lot planned developments and stock cooperatives, containing a minimum of either 30% or 50% affordable housing units developed and intended to be purchased or rented subject to the County's Affordable Housing Program criteria and formulas established for very low, low, lower-moderate and upper-moderate income household categories. *(Amended by Ord. 4169, 10/11/94)*
- 3. Accessory uses and structures incidental to permitted uses.

Sec. 35-102C.6. Additional Requirements.

(Amended by Ord. 4169, 10/11/94)

The following requirements shall also apply to an AH Overlay project:

- 1. Within areas subject to the AH Overlay District all uses of land shall comply with the regulations of the base zone district. Exceptions may be made for the AH Overlay District provided the overlay is applied in a manner consistent with all applicable policies and provisions of the Local Coastal Program. In cases where conflict occurs between the base zone district standards and the provisions of the AH Overlay District, the conflict shall be resolved consistent with the provisions of the Local Coastal Program.
- 2. For any units built above the base density pursuant to the provisions of the AH Overlay, either the 30% or the 50% affordability requirements shall apply to the total number of units proposed on the site.

3. All AH Overlay projects shall record an affordable housing agreement and resale and rental restrictive covenant, or such other document approved as to form by the County Counsel, which outlines the sales and/or rental prices for the various types of units to be established, provisions for the sale, resale, renting and restrictions that will be applicable to the project and which ensure the continued availability of units for purchase or occupancy by persons of very low, low, lower-moderate and upper-moderate incomes for a minimum of 30 years.
4. The 50% affordable housing component of an AH project shall provide very low, low, lower-moderate and upper-moderate income units according to the proportional allocations for each Housing Market Area as indicated in the Housing Element Implementation Guidelines and consistency with affordable housing definitions within said Guidelines.

Sec. 35-102C.7. Additional Modifications to Development Standards.

(Added by Ord. 4169, 10/11/94)

1. Infrastructure facilities, improvements and/or development or zoning standards normally required for residential development other than those in section 35-102C.6. above, may be modified by the decision-maker if deemed necessary to ensure affordability of dwelling units or to provide additional incentives, provided that the project, as modified, shall be found consistent with all applicable policies and provisions of the Local Coastal Program.
2. If deemed appropriate by the Board of Supervisors, fees normally imposed by the County on development projects may be waived, reduced or deferred. In such cases, reduced fees shall be based upon the project proponent supplying the Board of Supervisors with evidence and assurances that savings realized from such reductions will be passed on to the future residents by way of reduced rent or purchase price for units. Fees shall not be waived, reduced or deferred where such fees implement the policies and provisions of the Local Coastal Program. Examples of such fees include, but are not limited to, those required for public access or for the provisions of parks or recreational facilities.

Sec. 35-102C.8. Density Modifications.

Projects proposed within the AH Overlay District shall be entitled to a density adjustment of the base zone district authorizing an increase in the maximum allowable density. Any density increase granted for an AH Overlay project which exceeds the base zone district density shall be inclusive of density bonuses authorized and/or required by state law (e.g. density increase must be at least 25% over base density)[Government Code §65915-65918 or successor statute(s)]. The maximum density for a parcel within the AH Overlay District shall be indicated in the Comprehensive Plan. *(Amended by Ord. 4169, 10/11/94)*

Sec. 35-102C.9 Pre-application Procedures

Prior to submitting an application for an AH Overlay project, the applicant should obtain pre-application and other preliminary consultations with the Planning and Development Department and other officials in order to obtain information and guidance before entering into binding commitments and incurring substantial expense in the preparation of plans, surveys and other data. Such preliminary consultations shall relate to a specific development proposal that outlines the concept and characteristics of the project. If the developer chooses not to participate in the pre-application process, the project may not qualify for a fast track permit process. *(Amended by Ord. 4169, 10/11/94)*

Sec. 35-102C.10. Approval of Development Plans.

The Development Plan and accompanying maps, contracts and other documentation submitted with the application for an AH Overlay project shall be reviewed in accordance with the provisions of Section 35-174, Development Plans, of this Article and shall be subject to such conditions and requirements as are deemed appropriate and necessary to ensure compliance with the purposes of the County's Local Coastal Program, affordable housing program, the Housing Element and other applicable elements of the Comprehensive Plan. *(Amended by Ord. 4169, 10/11/94)*

Sec. 35-102C.11. Required Findings for Rezones to AH-Overlay District.

(Added by Ord. 4169, 10/11/94)

Prior to approval of an AH-Overlay project, the decision makers shall make all of the following findings:

- a. The site is subject to the Affordable Housing Land Use Designation Overlay or such designation is currently being processed.

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- b. The site has a residential land use designation or would be appropriate for residential use if a Coastal Land Use Plan amendment is being concurrently processed (e.g. underutilized commercial land surrounded by residential land or other compatible land use);
 - c. The site has a base zone district which allows residential use and requires a Development Plan for such use. This may also be achieved through a rezone.
 - d. The site is served by a water district and by a municipal sanitary district;
 - e. The site is of adequate size and shape to allow the reasonable development of housing;
 - f. The site is located near major travel corridors or services;
 - g. The site is located within reasonable walking distance to transit lines, employment centers, schools, and commercial areas;
 - h. Residential development can be sited to avoid major environmental hazards and/or constraints (e.g., steep slopes and other geologic hazards, archaeological resources, streams and creeks, sensitive habitat areas, and airport noise and safety zones) and that residential development of the site at the maximum density proposed is consistent with all applicable policies and provisions of the Local Coastal Program.