

Sec. 35-250A. AH Affordable Housing

(Added by Ord. 4111, 7/20/93; Amended by Ord. 4128, 11/16/93)

Sec. 35-250A.1 Purpose.

The purpose of this overlay is to promote the development and provision of affordable housing within the community, thereby implementing 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 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 range consistent with the allocation provided in the Housing Element Implementation Guidelines. *(Amended by Ord. 4128, 11/16/93)*

Sec. 35-250A.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 Comprehensive Plan, and shall indicate the maximum number of units designated by the overlay. *(Amended by Ord. 4128, 11/16/93)*

Sec. 35-250A.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, consistent with the allocation provided in the Housing Element Implementation Guidelines. Such increased density projects are referred to herein as AH Overlay projects. *(Amended by Ord. 4128, 11/16/93)*

Sec. 35-250A.4. Processing.

- a. No permits for development of an AH project, including grading, shall be issued except in conformance with an approved Final Development Plan, as provided in Sec. 35-317 (Development Plans), and with Sec. 35-314 (Land Use Permits). *(Amended by Ord. 4128, 11/16/93)*
- 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 and other development incentives as outlined in the Housing Element Implementation Guidelines.

Sec. 35-250.A.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. 4128, 11/16/93)*
3. Accessory uses and structures incidental to permitted uses.

Sec. 35-250A.6. Additional Requirements

The following requirements shall also apply to an AH Overlay project: *(Amended by Ord. 4128, 11/16/93)*

1. Within areas subject to the AH Overlay district all uses of land shall comply with the regulations of the base zone district. In cases where conflict occurs between the base zone district standards and the provisions of the AH Overlay District, the provisions of the Overlay District shall apply. *(Amended by Ord. 4128, 11/16/93)*
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. *(Amended by Ord. 4128, 11/16/93)*
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 household of very low, low, lower-moderate and upper moderate incomes for a minimum of 30 years. *(Amended by Ord. 4128, 11/16/93)*
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 consistent with affordable housing definitions within said Guidelines. *(Amended by Ord. 4128, 11/16/93)*

Sec. 35-250A.7. Additional Modifications to Development Standards.

1. Infrastructure facilities, improvements, and/or development or zoning standards normally required for residential development other than those in Sec. 35-250A.6. above, may be modified by the Planning Commission if deemed necessary to ensure affordability of dwelling units or to provide additional incentives. Examples of the modified facility requirements could include the waiver or phasing of any required off-site improvements.

(Amended by Ord. 4128, 11/16/93)

2. If deemed appropriate by the Board of Supervisors, any or all 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.

(Amended by Ord. 4128, 11/16/93)

Sec. 35-250A.8. Density Modifications.

Projects proposed within the AH Overlay District shall be entitled to a density adjustment to the base zone district authorizing an increase in the maximum allowable density to that of the AH designation. Any density increase granted for an AH Overlay project which exceeds the base zone district density shall be inclusive of bonus densities authorized by state law (e.g., density increase must be at least 25% over base density (Government Code §65915-65918 or successor statutes(s)). The maximum density for a parcel within the AH Overlay District shall be indicated in the Comprehensive Plan. *(Amended by Ord. 4128, 11/16/93)*

Sec. 35-250A.9. Pre-application Procedure.

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. 4128, 11/16/93)*