

Roseville, Ca Municipal Code: Affordable and Inclusionary Housing

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Title 19 Zoning

- **Chapter 19.28 Residential Density Bonuses**

Section 19.28.010 - Purpose

This Article is adopted pursuant to the provisions of California Government Code Sections 65915-65918. The purpose of adopting this Article is to encourage affordable housing by providing the incentive of increased density or other incentives provided by this Chapter. (Ord. 3014 (part), 1996.)

Section 19.28.020 - Application Requirements

A density bonus may be approved pursuant to approval of a conditional use permit provided the request complies with the provisions of this Chapter. Each application shall be accompanied by such information as the Director may require, including, but not limited to, a site plan, the number of units permitted by zoning and the General Plan, and the requested total number of units. The application shall also indicate the number of units proposed for very low, low or middle income, or qualifying residents and the location of such units. (Ord. 3014 (part), 1996.)

Section 19.28.030 - Eligibility for Bonus

A developer of a housing project containing five or more units may qualify for a density bonus and at least one other incentive as provided by this section if the developer agrees to construct and maintain at least:

- A. Twenty (20) percent of the total number of units in the project for lower-income households, as defined in Health and Safety Code Section 50079.5; or
- B. Ten (10) percent of the total number of units for very low income households, as defined in Health and Safety Code Section 50105; or

C. Fifty (50) percent of the total units for qualifying residents, as defined in Section 51.2 of the Civil Code (senior citizens of any income level) and at least (10) percent of the qualifying residents units are affordable to low income households. (Ord. 3922 § 8, 2003: Ord. 3014 (part), 1996.)

Section 19.28.040 - Type of Bonus and Incentives Allowed

A housing development that satisfies all applicable provisions of this section shall be entitled to the following density bonus and other incentives.

A. Density Bonus. The density bonus allowed by this section shall consist of a twenty-five (25) percent increase in the maximum number of dwelling units pursuant to the more restrictive of either the Zoning Ordinance or the General Plan. No single project shall be granted more than one density bonus in compliance with this Section.

B. Other Incentives. A qualifying housing development shall be entitled to at least one of the following concessions or incentives, and the approving authority is authorized to approve the incentives, notwithstanding the other provisions of this Title, unless the approving authority makes a written finding that the additional concession or incentive is not required in order for rents for the targeted units to be set as specified by Government Code Section 65915(c).

1. A reduction in site development standards or a modification of the requirements of this Title or architectural design requirements of the Roseville Municipal Code which exceed the minimum building standards approved by the State Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required.

2. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

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

C. Continued Availability. The conditional use permit application for the density bonus request shall include the procedures proposed by the developer to maintain the continued affordability of all lower income density bonus units and shall be evidenced by a Development Agreement as follows:

1. **Projects with incentives.** Projects receiving a direct financial contribution or other incentives from the City, or a density bonus and at least one (1) other concession or incentive as provided by subsection (B) of this section, shall maintain the availability of all lower income density bonus units for a minimum of thirty (30) years, as required by Government Code Sections 65915(c) and 65916.

2. **Projects without incentives - Density bonus only.** Projects that receive a density bonus as the only incentive from the City shall maintain the availability of lower income density bonus units for a minimum of ten (10) years.

D. Location of Bonus Units. As required by Government Code Section 65915(g), the location of density bonus units within the qualifying housing development may be at the discretion of the developer, and need not be in the same area of the project where the units for the lower income households are located.

E. Preliminary Review. A developer may submit to the Planning Department a preliminary proposal for the development of housing pursuant to this Section prior to the submittal of any formal requests for general plan amendments, zoning amendments, use permits or subdivision map approvals. The City shall, within ninety (90) days of receipt of a written proposal, notify the housing developer in writing of the procedures under which it will comply with this Section.

F. Criteria to be Considered. Criteria to be considered in analyzing the requested bonus will include the availability and capacity of infrastructure (water, sewer, road capacity, etc.) to accommodate the additional density.

G. Implementation of Bonus and Incentives. To facilitate waiving or modifying development and zoning standards which would otherwise inhibit utilization of the density bonus, City may rezone or reclassify property for which density bonus is sought to a Development Standard (DS), Special Area (SA), or Planned Development (PD).

H. Findings for Approval. In addition to the findings required for the approval of land use permits by Chapter 19.78, the approval of the bonus by the Approving Authority shall also require the following special findings:

1. The project will not be a hazard or nuisance to the community at large or establish a use or development inconsistent with the goals and policies of the General Plan;

2. The number of dwellings approved by the land use permit can be accommodated by existing and planned infrastructure capacities;

3. Adequate evidence exists to indicate that the development of the property in compliance with the permit will result in the provision of affordable housing in a manner consistent with the purpose and intent of this section; and

4. There are sufficient provisions to guarantee that units will remain affordable in the future.

In addition, the Planning Commission shall make the following finding prior to disallowing an incentive or concession:

a. That the additional concession or incentive is not necessary in order to provide for affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c), in the event that the City does not grant at least one financial concession or incentive as defined in Government Code Section 65915 in addition to the density bonus.

I. Development Agreement Required. In approving a density bonus, the permit or tentative map shall require that a development agreement be executed prior to effectuation of the permit or recordation of the final map.
(Ord. 3014 (part), 1996.)

- **Chapter 19.58 Residential Condominium Conversion**

Section 19.58.030 - Limitations on Conversions

A. Where Allowed. A conversion to condominiums shall be permitted only in the R3, Attached Housing District, Residential Mixed Use District (RMU) and Planned Development (PD) District.

B. Minimum Community Vacancy Rate. No application for conversion to condominiums shall be accepted or approved when the City-wide vacancy rate for multiple unit housing, as determined by the Director, is equal to or less than five (5) percent averaged over the previous four (4) quarters prior to application submittal. If the averaged vacancy rate exceeds five (5) percent, then an application for a conversion to condominiums may be accepted by the City, provided there are sufficient units available to grant the request. A request for conversion shall apply to an entire multi-family housing project and partial conversions shall not be permitted.

C. Determination of Vacancy Rate. The vacancy rate shall be determined by using information regarding vacancies within multi-family complexes of fifty (50) or more units

D. Minimum Multi-Family Rental Unit Pool. No application for conversion to condominiums shall be accepted or approved if the current percentage of multi-family rental units (within complexes of 3 or more units) is at or below fifteen percent (15%) of the total number of housing units within the City. No application for conversion to condominiums shall be accepted if the number of units requested for conversion would reduce the percentage of multi-family rental units below fifteen percent (15%) of the total number of housing units within the City.

E. Applicants requesting a Condominium Conversion shall enter into a Development Agreement which provides for the following:

1. Affordable Housing Requirements. Condominium conversions may be permitted only when the following criteria are met:

a. Projects not already subject to recorded affordable rental obligations (“affordable rent component”) shall subject ten (10) percent of the units within the project to affordable purchase obligations, without City subsidy, as part of a conversion.

b. Parcels that have an existing affordable rent component shall convert the affordable rental units to affordable purchase units. In addition, a condominium conversion shall increase the total number of affordable units by a number equal to five (5) percent of the total number of units within the project. However, the total number of affordable purchase units shall not be less than ten (10) percent of the total units in a project. The converted and new affordable units shall be provided without City subsidy.

c. Projects with an existing affordable rent component shall provide affordable purchase units in the same ratio of middle, low, and very low-income units as required by the project's existing Affordable Housing Development Agreement. Without City subsidy, the new or additional affordable units as required by Sections 19.58.030.E.1 and 2, shall be provided at a ratio reflecting the then current City requirement for middle, low, and very-low income.

2. **Public Safety Services Assessment.** All residential units converted to condominiums shall be included in a new or existing Community Facilities District for Services (CFD-Services) to provide for costs associated with the provision of public safety services. Low or Medium Density Residential units shall be assessed two hundred eighty-five dollars (\$285.00) per unit annually (baseline year 2004). High Density Residential units shall be assessed one hundred eighty-six dollars (\$186.00) per unit annually (baseline year 2004). The per-unit assessment shall be adjusted annually based on any increase in the City's Public Safety budget, not to exceed an increase of four percent annually.

3. **Community Benefit Fee.** All residential units converted to condominiums shall be subject to payment of a one-time Community Benefit Fee of \$5,000 per unit (baseline year 2004). Said fee shall be paid at the close of escrow for each unit, or within twelve (12) months from the recordation of a Final Condominium Map, whichever is sooner. The Community Benefit Fee shall be subject to annual adjustments above the baseline year based on the Construction Cost Index. At the discretion of the City Manager, the Community Benefit Fee may be reduced on a case-by-case basis for projects that provide a community benefit that is above and beyond the requirements of this title. The Community Benefit Fee shall be deposited into the General Fund and shall be allocated at the City Council's discretion.

F. Lease Agreements. Upon the filing of an application for a condominium conversion, existing tenants living within a project seeking to convert to condominiums shall be allowed to terminate a preexisting lease without penalty. However, any tenant who terminates a lease prior to receiving a notice to vacate from the property owner shall not be entitled to relocation benefits as provided in Section 19.58.070.

G. Final Map Approval. No Final Condominium Map shall be approved within a period of 90 days following Tentative Condominium Map approval.
(Ord. 4215 § 1 (part), 2005; Ord. 4086 § 1 (part), 2004; Ord. 3014 (part), 1996.)

Section 19.58.070 - Tenant Relocation Assistance Plan

If any tenants are displaced, the applicant shall, as a condition of approval, be required to implement a Tenant Relocation Assistance Plan.

A. Plan Content. The Tenant Relocation Assistance Plan shall be prepared by the applicant and indicate how the applicant will assist tenants who are displaced or will be displaced in securing decent, safe, sanitary, and affordable replacement housing, not higher in cost than the rent of the existing unit being converted. The plan shall, at a minimum, include a specific commitment by the applicant to provide:

1. Leases with terms no less than twelve (12) months for persons with permanent disabilities (as defined in 42 U.S.C. 423, or Section 102(7) of the Development Disabilities Assistance Bill of Rights Act [42 U.S.C. 6001], or 24 C.F.R. 8.3) or low-income tenants (defined as having incomes equal or below eighty (80) percent of the County or the Sacramento Primary Metropolitan Statistical Area median income), either in the building being converted, or in alternative housing provided by the subdivider comparable in location, amenities, and cost to that being converted. The Planning Commission may grant a one (1) year lease extension based on evidence of unique or special individual tenant needs. Such permanently disabled or low-income tenants, that are sixty (60) years of age or older, shall receive a lifetime lease in which the annual rent increase shall coincide with the increases as shown in the Section 8 Housing Assistance Payments Program published for the West Census Region by the United States Department of Housing and Urban Development (HUD). In the event HUD terminates the publication, rents shall be adjusted annually to coincide with the annual percentage increase for residential rent as shown in the "Rent, Residential" component of the Housing Component in the Consumer Price Index for all urban consumers in the Sacramento Primary Metropolitan Statistical Area.

2. Relocation assistance including, but not limited to, active assistance in securing replacement housing, not higher in cost than the unit being converted, for tenants who will be displaced, and a payment as determined by the Council to each household for displacement costs. At a minimum, such payment shall be equal in amount to two months' rent and the security deposit amount paid by the tenant for the existing apartment unit.

3. Families with children in grades K through 12 shall not be required to vacate during the school year.

B. Ownership Incentives. In order to reduce the number of tenants being displaced, the applicant shall consider providing incentives that would aid tenants in becoming owner/shareholders in the converted project. Any such incentives, including terms and conditions, shall be documented and filed with the application to convert. Incentives may include, but are not limited to, low-interest loans, reduced prices, application of a percentage of rent payment toward a down payment for purchase of a unit within the project, or other similar items approved by the Commission. At a minimum, the incentives offered to existing tenants for purchase of a unit within a project shall be equal or greater in value to the dollar amount of compensation provided to tenants who are relocated. (Ord. 4215 § 1 (part), 2005; Ord. 4086 § 1 (part), 2004; Ord. 3014 (part), 1996.)