CHAPTER 6A. AFFORDABLE HOUSING.* **

Article I. Findings and Purpose.

Sec. 6A-1-10. Findings.

The city council finds and determines that:
(a) It is a goal of the city to achieve a balanced community with housing available for households with a range of income levels.
(b) Increasingly, persons of very low, low and moderate income who work and/or live within the city are unable to locate housing at prices they can afford and are increasingly excluded from living within the city.
(c) The high cost of newly constructed housing does not, to any appreciable extent, provide housing affordable to very low, low and moderate income families, and continued new development which does not include an affordable housing component or contribute toward lower cost housing will further aggravate the current housing problems by reducing the supply of developable land.
(d) The housing shortage for persons of very low, low and moderate income is detrimental to the public health, safety and welfare of the residents of the city.
(e) It is a public purpose of the city, and a public policy of the state as mandated by the requirements for a housing element within the city's general plan to make available an adequate supply of housing for persons of all economic segments of the community;
(f) State and federal funds to assist in the construction of new affordable housing are limited, and the city has limited resources with which to leverage these state and federal funds.
(g) In order to meet the city's share of regional housing needs for very low, low and moderate income families, the city's housing element requires that a portion of the dwelling units contained in new residential developments be affordable to very low, low and moderate income families. (Ord. No. 1393, § 3 (part).)

Article I. Findings and Purpose.

Sec. 6A-1-20. Purpose.

The purpose of this chapter is to enhance the public welfare and assure that new residential developments contribute to the attainment of the city's housing goals by increasing the production of dwelling units affordable by families of very low, low and moderate income. (Ord. No. 1393, § 3 (part).)

Article II. Definitions.

Sec. 6A-2-10. Definitions.

As used in this chapter:
“Affordable” means a unit provided at an affordable rent or affordable housing cost.
“Affordable housing cost” for a purchaser means the monthly amount that is affordable to a low or moderate income household. The method for calculating affordable housing costs is included in Section 6A-5-30 of this chapter.
“Affordable housing ordinance” means Chapter 6A, Affordable Housing, of the city of Woodland’s city code.
“Affordable purchase price” means the maximum sale price a qualified purchaser may be required to pay for the affordable unit, as determined in accordance with the provisions of this chapter.
“Affordable rent” means the monthly rent that is affordable to a low or very low income household. Affordable rent shall be calculated using fifty percent of Yolo County area median income for very low income households and eighty percent for low income households, adjusted for household size. The method for calculating affordable rent is included in Section 6A-4-40 of this chapter.
“Area median income” has the definition set forth in Section 50093 of the California Health and Safety Code, as that section may be amended from time to time.
“City” means the city of Woodland.
“City manager” means the Woodland city manager or his or her designee.
“Community development director” means the director of the Woodland community development department or his or her designee.
“Density bonus” means an entitlement to build a number of dwelling units in excess of that number which would otherwise be permitted under the general plan and zoning code.
“Developer” means the owner of any real property upon which a residential project is to be constructed and/or the applicant for development of any such project.
“Dwelling unit” or “unit” means one room or a suite of two or more rooms designed for, intended for or used by one household as their principal residence, which family lives, sleeps and cooks therein, and which unit has at least one kitchen or kitchenette.
“For-sale units” means those dwelling units developed as part of a residential or mixed-use project which the developer intends will be offered for individual sale or which could be offered for individual sale, including but not limited to detached homes, duplex units, condominiums and cooperatives.
“General plan” means the general plan of the city, as it may be amended from time to time.
“Inclusionary housing agreement,” “regulatory agreement” or “agreement” means the agreement between the developer or owner of a residential project and the city that

contains specific plans for implementing the affordable housing requirements of this chapter for the specific project.

"Inclusionary unit" means a dwelling unit developed pursuant to an inclusionary housing agreement to satisfy the requirements of this chapter, including for-sale units available at an affordable housing cost, and multifamily rental units available at an affordable rent.

"In-lieu fees" means a fee paid to the city's affordable housing fund to facilitate the construction of housing units for very low and low income households. The method for calculating in-lieu fees is included in Section 6A-5-20 of this chapter.

"Low and very low income" means those income levels determined periodically by the U.S. Department of Housing and Urban Development based on the Yolo County area median income levels adjusted for family size. A low income household shall be a household earning over fifty and less than or equal to eighty percent of the area median income, adjusted for family size. A very low income household shall be a household earning less than or equal to fifty percent of the Yolo County area median income adjusted for family size.

"Market-rate unit" means a unit not restricted to an affordable housing cost or affordable rent.

"Moderate income" means the income level determined periodically by the U.S. Department of Housing and Urban Development based on the Yolo County area median income levels adjusted for family size. A moderate income household shall be a household earning over eighty and less than or equal to one hundred twenty percent of the Yolo County area median income adjusted for family size.

"Multifamily rental units" means those dwelling units developed as part of a residential project which the developer intends will be offered for rent or which are customarily offered for rent.

"Notice of intent to sell" means the notice provided by owners of for-sale units to the city of their intent to offer their unit for sale. The covenants recorded against the property on which the unit is located shall provide that the owner shall provide a notice of intent to sell in the manner prescribed in this chapter.

"One location" means all adjacent land owned or controlled by the same owner, the property lines of which are contiguous at any point, or the property lines of which are separated only by a public or private street, road or other public or private right-of-way.

"Owner" includes a person, persons, firm, partnership, association, joint venture, corporation, or any public or private entity or entities or the owner's agent or assignee.

"Qualified purchaser" means a person or household approved for ownership of an affordable dwelling unit by the community development director in accordance with the provisions of this chapter.

"Residential lot" means any parcel of land created with the intention that it will be used for the development of a dwelling unit.

"Residential project" or "project" means any project involving the construction of two or more dwelling units at one location and requiring the issuance of a building permit, including in the aggregate all dwelling units or residential lots for which discretionary approvals have been applied for from or granted by the city.

"Special needs housing" means housing for certain disadvantaged groups, including but not limited to, seniors, disabled and homeless persons or families.

“Zoning code” means the zoning code of the city, as it may be amended from time to time. (Ord. No. 1393, § 3 (part).)

Article III. General Provisions.

Sec. 6A-3-10. Application of affordable housing ordinance.

The requirements contained in this chapter shall apply to all new residential projects located within all existing or new areas of the city, except as noted in this section.
(a) Southeast Area Specific Plan. For residential projects located on parcels designated for residential use by the southeast area specific plan (“SEASP”), in the event of a conflict between the provisions of this chapter and the SEASP, the applicable provisions of the SEASP shall control. However, residential projects located on parcels within the SEASP that are rezoned for residential use shall be subject to all requirements and provisions of this chapter.
(b) Spring Lake Specific Plan. The affordable housing ordinance shall regulate development of affordable housing in the Spring Lake specific plan (“SLSP”) except to the extent that a specific provision or regulation in the SLSP conflicts with the affordable housing ordinance. In this event, the SLSP shall control. Where the SLSP is silent or ambiguous, the provisions of this chapter shall apply directly for the purpose of interpretation, as appropriate.
(c) Publicly Subsidized Projects. For residential projects that receive local, state or federal subsidy with requirements and regulations differing from this chapter, the stricter provisions pertaining to affordability shall prevail. (Ord. No. 1393, § 3 (part).)

Sec. 6A-3-20. General inclusionary housing requirements.

The affordable housing ordinance specifies requirements based on unit type as follows:
(a) For-Sale Units.
(1) Ten percent of new for-sale units shall be affordable to low income households.
(2) This requirement shall apply to all for-sale projects of at least eight units in size. Calculations of required affordable units that result in a fraction of a unit shall be rounded up to the nearest whole unit.
(3) The city council may determine the need to implement an additional requirement for ten percent of new for-sale units to be affordable to moderate income households, based on prevailing conditions in the housing market. Such a finding would require an amendment to this chapter as well as an amendment to the Spring Lake specific plan and Spring Lake affordable housing plan.
(b) Multifamily Rental Units.
(1) Ten percent of all multifamily rental units shall be affordable to low income households and twenty percent shall be affordable to very low income households; or

(2) Twenty-five percent of the units shall be affordable to very low income households. These requirements shall apply to all multifamily rental projects of at least ten units. Calculations of required affordable units that result in a fraction of a unit shall be rounded up to the nearest whole unit.
(3) For infill multifamily rental projects of less than forty units located within the redevelopment project area the city council may determine, that based on substantial evidence provided by the developer, standard application of the inclusionary requirement will make the project infeasible to develop. For projects in which such a determination is made, the following shall apply:
(A) The project shall receive at least two of the bonus incentives provided in Section 25-21-25 of the Zoning Ordinance (Bonus Incentive Projects) if the granting of such incentives will allow the developer to meet the standard level of affordability for very low and low income households required by this section.
(B) If, even with bonus incentives, the project is determined to be infeasible under the standard affordability requirements, the project shall be required to include a minimum of at least the percentages of units affordable to very low, low and moderate income households required by California Redevelopment Law, as it may be amended from time to time. (Ord. No. 1393, § 3 (part).)

Sec. 6A-3-30. Inclusionary housing agreements.

(a) The inclusionary housing agreement or regulatory agreement, is the means by which the city ensures that a residential project complies with the applicable affordable housing requirements. An applicant shall enter into a written inclusionary housing agreement with the city that specifically sets out the manner in which affordable housing obligations will be met under the terms of this chapter.
(b) The inclusionary housing agreement shall be executed by the applicant and the city. The applicant's proposed tentative map will be subject to the conditions of the inclusionary housing agreement. The inclusionary housing agreement shall be completed and signed prior to approval of the applicant's final map. The agreement shall contain all the applicable information identified in the agreement checklist provided in this section.
(c) This agreement must include an acknowledgment that the applicant received a copy of the affordable housing ordinance. Moreover, the agreement must obligate the applicant to provide a copy of this agreement to anyone to whom the subject residential lots or units are transferred or sold.
(d) The inclusionary housing agreement shall provide assurances satisfactory to the city attorney, community development director, housing specialist and city manager of the applicant's obligation and capacity to meet the affordable housing obligations under this chapter. The inclusionary housing agreement shall also include all applicable and necessary information and obligations including, but not limited to, those items listed in the agreement checklist below. A memorandum of the inclusionary housing agreement shall be recorded with the Yolo County recorder's office.
(1) Agreement Check List.
(A) The inclusionary housing agreement shall contain the following information:
(i) Location, zoning designation and ownership of the residential project;

(ii) The number of affordable dwelling units that the applicant is responsible to provide at each income level;
(iii) The exact location of the affordable dwelling units (i.e., identify specific lots for affordable for-sale units and site or parcel for multifamily rental projects);
(iv) The dwelling unit mix and square footage of the affordable dwelling units as compared to dwelling unit mix and square footage of the market-rate units;
(v) Term of affordability for the affordable dwelling units;
(vi) Scheduling and phasing of construction of affordable dwelling units;
(vii) Identification of applicant-funded subsidy or financial assistance, if any, for affordable for-sale units;
(viii) Affirmative marketing plan that ensures outreach to income-eligible households regarding the availability of affordable dwelling units. Such affirmative marketing shall at least include advertising in the local newspaper and sending notices to local government and nonprofit agencies that serve very low and low income persons and families. The city shall maintain an updated list of these agencies;
(ix) Specify if any or all of the affordable dwelling units will be special needs housing for seniors, disabled, homeless persons or other special needs population and, if so, the unique features or services that are appropriate for that special needs population. The city will participate in securing funding for those projects that provide special needs housing units. The city's special needs housing demand will be addressed as guided by the housing element, and based on any new information regarding increased need or demand for special needs housing as it becomes available from the census or other sources;
(x) Detailed description of for-sale affordable units, if different than market-rate units, including floor plan and list of amenities and features of the unit.
(B) In addition, the inclusionary housing agreement shall include the following terms:
(i) Assurances, to the extent feasible, that the affordable dwelling units will be constructed concurrently with, or prior to, market-rate units in the residential project. In phased developments, inclusionary units may be constructed and occupied in proportion to the number of units in each phase of the residential project. If, as approved by the city, the affordable housing obligation is proposed to be satisfied by land dedication or by a separate third party development agreement (such as a non-profit housing developer) and it is not feasible to develop the affordable units prior to or concurrently with the market-rate units, the agreement must identify the specific residential lots on which the affordable units will be developed. Developers of for-sale residential projects who construct the required affordable units concurrent with their market-rate development shall receive an automatic one hundred percent waiver of all building plan check fees (not impact fees) for the affordable units (this excludes re-inspection fees);
(ii) Affordable rental dwelling units shall be dispersed throughout the residential project and shall be indistinguishable from market-rate units within any project, including identical quality and amenities as the market-rate units;
(iii) Inclusionary housing agreements for rental residential projects shall include the requirement that the project will be subject to the city's affordable housing monitoring program to ensure ongoing compliance with the affordable housing obligations set forth in this chapter and the inclusionary housing agreement, including payment of an annual monitoring fee (the amount of the fee is to be determined by the city based on estimated cost to monitor the affordable housing units, and shall be stated in the city's "Affordable

Housing Monitoring Program Policies and Guidelines"). The inclusionary housing agreement for a rental residential project shall also include the provisions required by Section 6A-4-60 of this chapter;
(iv) Mechanisms for reservation, protection and disclosure of affordable lots for projects. Description of language in disclosure documents for use by real estate agents, and visible and prominent signage at residential projects advertising the availability of affordable dwelling units.
(C) If the applicant is proposing to meet the affordable housing obligation by land dedication, then the inclusionary housing agreement shall contain the following additional information:
(i) Location and description of dedicated site and the residential lot(s) contained therein;
(ii) Description of physical suitability, economic feasibility, general plan designation and zoning, infrastructure, frontage improvements and utility connections available at the dedicated site sufficient to allow for the development of the affordable dwelling units;
(iii) Number of dwelling units that may be developed on the residential lots sufficient to meet the affordable housing obligation;
(iv) Number of dwelling units at each income level (i.e., very low, low or moderate income) to meet or exceed land dedication affordability requirements. (Ord. No. 1393, § 3 (part).)

Sec. 6A-3-40. Outreach and marketing requirements.

(a) Preferences. The city may choose to establish preference categories for the inclusionary units. Possible preferences could include the following:
(1) Persons who have been displaced by a project in Woodland;
(2) Persons who work for the city or for the Woodland joint unified school district;
(3) Persons who live or work within the city; and
(4) All other income-eligible persons.
(b) Outreach and Marketing.
(1) The developer shall act in good faith in attempting to identify qualified purchasers (in the case of for-sale projects) or renters (for rental projects) for affordable units throughout the marketing period of a residential project. Substantial evidence shall be submitted to the city that establishes, to the city's reasonable satisfaction that the developer affirmatively marketed the units throughout the relevant marketing period. "Affirmative marketing" means that the developer shall:
(A) Advertise the availability of the affordable units by placing in newspapers of general circulation in Yolo County and the greater surrounding region no less than eight advertisements, of which no less than four shall be in the Daily Democrat. The advertisements in the Daily Democrat shall be at least sixteen square inches. In the event these publications are defunct or space is not available, the community development director shall designate comparable alternative advertising;
(B) No later than the date of issuance of a building permit for the units, provide written notice to a list of housing organizations and other agencies serving low and very low income persons and families available from the city informing these organizations of the

availability of the affordable units, and requesting that these organizations assist in publicizing the availability of the affordable units to their members and clients;
(C) Place a sign on the site of the residential project advertising the availability of the affordable units and providing contact information throughout the marketing period. This information can be integrated into the primary project sign or included on a separate stand-alone sign with comparable visibility. To the extent possible without obstructing necessary construction activity, the sign described shall be oriented, formatted and situated in such a manner that it is visible to the maximum number of pedestrians and drivers on the nearest public street.
(2) Because of the high demand for affordable for-sale units, a lottery system may be used by the city or the developer to select potential buyers. Such a lottery or alternative selection process shall be conducted in a fair, unbiased and non-discriminatory manner, if possible, by a third party agreed upon by both the city and the developer. Employees of developers and their families shall not be given preferential treatment in the marketing of the affordable units or in the selection of qualified purchasers. (Ord. No. 1393, § 3 (part).)

Article IV. Requirements for Rental Projects.

Sec. 6A-4-10. Standards applicable to rental projects.

(a) Percentage of Affordable Units.
(1) Pursuant to this chapter, Section 6A-3-20, any developer of a multifamily rental project of at least ten units shall make at least twenty percent of the units on-site affordable to and occupied by very low income households and ten percent of the units affordable to and occupied by low income households. In the alternative, the developer may make twenty-five percent of the units affordable to and occupied by very low income households.
(2) As previously outlined, for infill multifamily rental projects of less than forty units located within the redevelopment project area the city council may determine, that based on substantial evidence provided by the developer, standard application of the inclusionary requirement will make the project infeasible to develop. For projects in which such a determination is made, the following shall apply:
(A) The project shall receive at least two of the bonus incentives provided in Section 25-21-25 of the Zoning Ordinance (Bonus Incentive Projects) if the granting of such incentives will allow the developer to meet the standard level of affordability for very low and low income households required by this section.
(B) If, even with bonus incentives, the project is determined to be infeasible under the standard affordability requirements, the project shall be required to include a minimum of at least the percentages of units affordable to very low, low and moderate income households required by California Redevelopment Law, as it may be amended from time to time.

(b) Term of Affordability. The affordable rental units constructed on-site shall be permanently affordable.

(c) Requirements for Construction.

(1) The affordable units in any one multifamily rental residential project shall be identical to the market-rate units in quality, amenities, size and number of bedrooms. The affordable units shall also be visibly indistinguishable from the market-rate units and not be segregated from the market-rate units. A developer may meet the residential project's affordability obligation by either designating specific individual units as affordable units or using a system of "floating units" where the affordable units may change. However, in either option the affordable units must be dispersed throughout the residential project and the residential project must always contain the required number of inclusionary units. The developer shall indicate the preferred option to the city as part of the implementation of the city's affordable housing monitoring program guidelines.

(2) If a multifamily rental project has a variety of dwelling unit types with different sizes and number of bedrooms, the developer shall designate affordable units in substantially the same proportion as the market-rate units. For example, if a project has one hundred rental units in the following sizes: fifty 2-bedroom, forty 1-bedroom, and ten 3-bedroom and twenty-five of the total number of units are affordable to very low income households (i.e., twenty-five percent), then fifty percent of the affordable units should be two-bedroom, forty percent one-bedroom and ten percent three-bedroom.

(3) The mix of the affordable dwelling units may be disproportionate to the market-rate units if the housing needs assessment in the city's current housing element supports such a mix (e.g., if there is a greater identified need for three-bedroom affordable dwelling units than two-bedroom units, then there may be a disproportionately greater share of affordable three-bedroom units in the residential project). Nevertheless, the gross number of bedrooms in affordable units may not be proportionately less than the gross number of bedrooms in market-rate units in the residential project and the floor area of the bedrooms in affordable units may not be smaller than those in the market-rate units as demonstrated in the following example:

A multifamily rental residential project has forty 1-bedroom, fifty 2-bedroom, and ten 3-bedroom dwelling units, which equals one hundred seventy total bedrooms in the project. If applying the twenty-five percent very low income obligation, then forty-three (.25 x 170) of the total number of bedrooms in the project must be affordable to and occupied by very low income households. In addition, the total square footage of these forty-three affordable units must not be less than twenty-five percent of the total square footage of all the bedrooms in the project combined.

(d) Criteria for Size and Design of Special Needs Units.

(1) For multifamily rental projects that include units that meet categories of special needs housing, the criteria for size and design of these units will be addressed by the city on a project-by-project basis as guided by the housing element, and based on any new information regarding increased need or demand for special needs housing as it becomes available from the census or other sources. The city will participate in securing funding for those projects that provide special needs housing units in a greater amount of special needs units than required by state or federal law.

(2) Builders of multifamily rental projects shall comply with applicable state or federal laws regarding accessible design features for persons with disabilities. (Ord. No. 1393, § 3 (part).)

Sec. 6A-4-20. Incentives available to rental projects.

Density Bonus. As a matter of right for qualified projects, a developer shall be entitled to a density bonus of up to twenty-five percent as permitted under California Government Code Section 65915 for on-site construction of affordable units. See City Code Section 25-21-25 (Bonus Incentive Projects) for more information on bonus incentives. (Ord. No. 1393, § 3 (part

Sec. 6A-4-30. Land dedication for rental projects.

(a) Land Dedication Option.
(1) A developer may be allowed to make an irrevocable offer of dedication to the city or its designee of sufficient land to satisfy the affordability requirement under this section, if either:
(A) The developer demonstrates to the city council that it is not feasible to develop the affordable dwelling units on-site as part of the rental residential project; or
(B) In the judgment of the community development director, the developer's proposed land dedication would accomplish the objectives of this chapter.
(2) Dedicated sites for rental residential projects shall be a minimum of two acres unless the city agrees to a smaller site based on a special housing need. The dedicated site shall be economically feasible to develop, of sufficient size to build the required number of affordable units and physically suitable for development of the required affordable units prior to the dedication of the land. The dedicated site shall also have appropriate general plan designation and zoning to accommodate the required units, be fully improved with infrastructure, frontage improvements (i.e., curb, gutter, walk), paved street access, utility (i.e., water, gas, sewer and electric) service connections stubbed to the property lines, and other such off-site improvements as may be necessary for development of the required affordable units or as required by the city.
(3) The city may approve, conditionally approve, or reject such offer of land dedication of any specific property. If the city rejects such an offer of land dedication, the developer shall be required to meet the affordable housing obligations by other means set forth in this chapter.
(b) Density Credit. In determining the amount of land to dedicate to satisfy a developer's affordable housing obligation, the developer shall receive credit for the base density of the dedicated site (e.g., twenty units per acre if the dedicated parcel is zoned R-20).
(c) Development of Dedicated Land. Within one year from the date of conveyance of the dedicated land to the city, the city shall determine, at its discretion, whether the dedicated land will be:
(1) Developed by the city to produce the required affordable dwelling units; or

(2) Conveyed to a non-profit housing developer approved by the city to produce the required affordable dwelling units. The city council shall determine which non-profit housing developer shall be conveyed the land required to produce the affordable dwelling units. (Ord. No. 1393, § 3 (part).)

Sec. 6A-4-40. Procedure for determining affordable rent.

(a) The method for calculating the affordable rent for an inclusionary unit is shown in this section. This method shall apply to both low and very low income inclusionary units. The community development department shall review these assumptions and procedures annually and make revisions as necessary.
(b) The community development department will calculate the initial affordable rents for a residential project at the time that the units will be marketed and made available for rent. The developer is to provide information on the utilities that will be included in the rent and the utilities for which the tenants will be responsible (including the specific type of service).
(c) The following procedure will be used for determining affordable rent:
(1) Calculate Income Available for Housing.
(A) Determine the Family Size Appropriate to the Unit. For purposes of this calculation, "family size appropriate to the unit" means adjusted for a household of one person in the case of a studio unit, two persons in the case of a one-bedroom unit, three persons in the case of a two-bedroom unit, four persons in the case of a three-bedroom unit, five persons in the case of a four-bedroom unit and six persons in the case of a five-bedroom unit.
(B) Determine the household annual income maximum to use for the affordable rent calculation based on the appropriate household size using the current area median income figures for Yolo County as published by HUD. For a very low income unit, the figure for fifty percent of area median income shall be used. For a low income unit, the figure of eighty percent of area median income shall be used.
(C) Calculate the amount of monthly income available for housing costs by dividing the maximum household annual income by twelve and then multiplying the maximum household monthly income figure by thirty percent. The resulting figure shall be the household monthly income available for housing costs.
(2) Estimate Annual Housing Costs. The household allowance for utilities will be estimated based on the utility costs as shown on the current "allowance for tenant-furnished utilities and other services" table prepared by the Yolo County housing authority, using the applicable unit size and unit type (townhouse, garden apartment or high rise). The costs used will be based on the specifications of the particular unit and the utilities provided by the property owner, for example gas or electric for heating, gas or electric for cooking, etc. Utility tables are updated by the Yolo County housing authority every year, and shall be provided by the community development department to developers of rental residential projects in accordance with the city's affordable housing monitoring program. The maximum rental rates of affordable units shall be adjusted as necessary based on changes to these utility tables.
(3) Determine Affordable Rent. Affordable rent for an inclusionary unit is determined by subtracting applicable utility costs from the household monthly income available for

housing costs. Current affordable rent levels are reviewed and, if necessary, updated by the community development department at least every year, and shall be provided to developers of rental residential projects in accordance with the city's affordable housing monitoring program requirements. The maximum rental rates of affordable units shall be adjusted as necessary based on changes to household utility allowances or Yolo County area median income levels. (Ord. No. 1393, § 3 (part).)

Sec. 6A-4-50. Tenant eligibility requirements for affordable rental units.

(a) Minimum Household Size. The minimum size of any household occupying an affordable rental unit shall be no less than one person per bedroom.
(b) Maximum Income Limitation. Households renting affordable units shall have incomes that do not exceed fifty percent (very low income household) or eighty percent (low income household) of the current area median income for Yolo County as adjusted for household size.
(c) Primary Residence. Eligible households must certify that the unit will be used as a primary residence. Subletting of affordable units is not allowed. (Ord. No. 1393, § 3 (part).)

Sec. 6A-4-60. Monitoring and compliance requirements for rental projects.

(a) Each owner of multifamily rental residential projects shall enter into an inclusionary housing agreement (regulatory agreement) with the city for each residential project that contains units with affordability restrictions. As a provision of this chapter as well as the regulatory agreement, the community development department will be responsible for tracking and monitoring all of the city's inclusionary housing units. This includes maintaining a database of all units as well as files with the required regulatory agreements recorded against each property.
(b) Details on the city's affordable housing monitoring regulations and guidelines are outlined in the "affordable housing monitoring program policies and procedures" document, which is available from the community development department. Owners of multifamily rental residential projects that are subject to the requirements of this chapter are required to pay an annual monitoring fee (the amount of the fee is to be determined by the city based on estimated cost to monitor the affordable housing units).
(c) For residential projects that receive a state or federal housing subsidy and are, thus, subject to applicable regulatory agreements and requirements pertaining to each subsidy, these regulatory agreements shall supercede the monitoring requirements outlined in this section.
(1) Multifamily Rental Residential Project Monitoring Requirements. The monitoring requirements of each regulatory agreement between the owner and the city shall include all the rental restrictions listed in this chapter and in addition shall require the following:
(A) Owner shall affirmatively market the rental units by sending advertisements describing the affordable units to local newspapers and to the list of local nonprofit and

government housing organizations and agencies that serve very low and low income persons and families;
(B) Owner shall comply with all fair housing laws and not discriminate based on race, ancestry, gender, religion, color, age, national origin, marital status, familial status, sexual orientation, source of income and disability;
(C) Owner shall not discriminate based on any government rental subsidy, including but not limited to HUD Section 8 assistance. Tenants may utilize Section 8 vouchers to assist in renting inclusionary units; however, the rent levels collected for inclusionary units occupied by tenants using Section 8 vouchers shall remain at the affordable level determined pursuant to Section 6A-4-40 of Chapter 6A of this code;
(D) Agree to Rent Affordable Units to Qualified Income-Eligible Households for a Lease Term not to Exceed One Year. At the end of each lease term, the lease may be renewed for up to one year once the owner or manager has re-certified that the household income of the affordable unit remains eligible to the restricted income level of the unit. No household shall be required to terminate its tenancy from such affordable unit absent a showing of good cause. If a very low income household increases its income so that it no longer qualifies as a very low income
household during its tenancy, it shall be permitted to remain in the affordable unit as long as its income does not exceed the low income limitation (i.e., eighty percent of AMI). At vacancy, such unit shall be rented to an eligible very low income household and the affordable rent level for a very low income household, unless the affordable unit requirement has been met by renting other vacant units at the appropriate affordable rent level.
(d) Rental projects shall be monitored every year to review tenant incomes and rents. The community development department shall mail letters and forms to all property owners requesting information related to the affordable units, the rents charged, and the current tenants. The project owner is responsible for providing income certification forms (in a format either provided by or approved in advance by the city) to the applicable tenants and returning the completed forms to the city as required by the city's affordable housing monitoring program policies and procedures.
(e) The community development department reviews the information submitted for each residential project to make sure that the project is in compliance with its regulatory agreement. Staff will notify the project owner of any discrepancies and establish the best practice for bringing the residential project into compliance with the applicable requirements of its regulatory agreement in the timeliest manner possible. For example, the project owner may be required to rent out available vacant units within the residential project as affordable units, or rent out other units as they become available as affordable units, in order to meet the affordable units requirement for the residential project. (Ord. No. 1393, § 3 (part).)

Article V. Requirements for For-Sale Projects.

Sec. 6A-5-10. Standards applicable to for-sale projects.

(a) Percentage of Affordable Units. Any developer of a for-sale residential project of at least eight units shall make at least ten percent of the dwelling units affordable to and occupied by low income households. Per Section 6A-3-20 of this chapter, the city council may determine the need to implement an additional requirement for ten percent of new for-sale units to be affordable to moderate income households, based on prevailing conditions in the housing market. As previously stated, such a finding would require an amendment to this chapter as well as an amendment to the Spring Lake specific plan and Spring Lake affordable housing plan.
(b) Term of Affordability. For-sale units shall be affordable for the longest feasible time but not less than ten years. This affordability requirement of at least ten years for affordable for-sale units will be reset at each transfer of title upon re-sale to a qualified low income buyer, as outlined in Section 6A-5-50 of this chapter.
(c) Requirements for Construction.
(1) Affordable for-sale units may be smaller in square footage than the market-rate units in a residential project that trigger the affordable housing obligation to a minimum unit living area of eight hundred fifty square feet. However, a mix of bedroom numbers and greater square footage among for-sale homes shall be implemented whenever feasible in order to accommodate larger low income households.
(2) Affordable units must be dispersed throughout the residential project and be comparable in infrastructure (including sewer, water and other utilities) and construction quality to the market-rate units. Affordable units must be visibly indistinguishable from the exterior in comparison with surrounding market-rate units. Affordable for-sale units may have different interior finishes and features than market-rate units so long as the interior features are durable, of good quality and consistent with contemporary standards for new housing.
(d) Criteria for Size and Design of Units to Meet Special Needs Housing.
(1) For residential projects that include units that meet categories of special needs housing, the criteria for size and design of these units will be addressed by the city on a project-by-project basis as guided by the housing element, and based on any new information regarding increased need or demand for special needs housing as it becomes available from the census or other sources. The city will participate in securing funding for those projects that provide special needs housing units in a greater amount of special needs units than required by state or federal law.
(2) Builders of for-sale projects shall comply with applicable state and federal laws regarding accessible design features for persons with disabilities. Homebuyers of affordable units shall be offered “universal design” or “visitability” features to be incorporated into the construction of the unit by the builder. Such modifications shall be paid for by the homebuyer, independent of and in addition to the amount calculated as the affordable purchase price of the unit. Information on “universal design” and “visitability” building features is available from the community development department upon request. (Ord. No. 1393, § 3 (part).)

Sec. 6A-5-20. Possible alternatives to on-site construction of affordable for-sale units.

(a) Possible Sale or Dedication of Land to Nonprofit Developers.
(1) In a possible alternative to on-site construction of affordable units, the developer may propose to either sell or dedicate sufficient residential lots to a nonprofit developer to satisfy its affordable for-sale housing obligation if, to the city's satisfaction, it will enable the nonprofit developer to build the for-sale units and sell them at an affordable housing cost to low income purchasers. Such an alternative proposal shall only be accepted if the community development director determines that the proposal furthers the purpose of this chapter.
(2) At the time of sale or dedication to the nonprofit developer, the residential lots shall be economically feasible to develop, of sufficient size to build the required number of affordable units, and physically suitable for development of the required affordable units. The residential lots shall also have appropriate general plan designation and zoning to accommodate the required number of dwelling units, be fully improved with infrastructure, frontage improvements (i.e., curb, gutter, walk), paved street access, utility (i.e., water, gas, sewer and electric) service connections stubbed to the property lines, and other such off-site improvements as may be necessary for development of the required affordable units or as required by the city. To exercise this option, the developer shall have a maximum of ninety days from the date that the residential lots are finished with the above improvements to either sell or dedicate the lots to a nonprofit developer.
(b) Land Dedication Option.
(1) If a developer provides substantial evidence to prove that it is not feasible to develop the required affordable units on-site at a residential project, that developer may make an irrevocable offer of sufficient land within the city to satisfy the affordability requirements of this chapter. The dedicated site shall be economically feasible to develop, of sufficient size to build the required number of affordable units, and physically suitable for development of the required affordable units prior to dedication of the land.
(2) The dedicated site shall also have appropriate general plan designation and zoning to accommodate the required number of units, be fully improved with infrastructure, frontage improvements (i.e., curb, gutter, walk), paved street access, utility (i.e., water, gas, sewer and electric) service connections stubbed to the property lines, and other such off-site improvements as may be necessary for development of the required affordable units or by the city. The city may approve, conditionally approve or reject such offer of dedication of any specific property. If the city rejects such offer of land dedication, the developer or its designee shall be required to meet the affordable housing obligations by other means set forth in this chapter.
(c) Development of Dedicated Land.
(1) The dedication of land for affordable for-sale lots must result in the development of affordable for-sale units and not multifamily rental units.
(2) Within one year from the date of conveyance of the dedicated land to the city, the city shall determine, at its discretion, whether the dedicated land will be:
(A) Developed by the city to produce the required affordable units; or
(B) Conveyed to a nonprofit housing developer or other third party who shall enter into an agreement with the city to produce such affordable units.
(d) In-Lieu Fees.
(1) For for-sale residential projects of less than fifty units where the city council determines that it is not feasible or suitable for the for-sale residential project to have on-

site affordable units, the city and developer may agree to a contribution of in-lieu fees to satisfy the developer's affordable housing obligation. This in-lieu fee option will only be allowed where it is demonstrated based on substantial evidence that the alternative would result in a taking of the property.

(2) At the time of tentative map approval, if applicable, the city will provide the developer with an estimate of the in-lieu fees for the residential project. This in-lieu fee calculation at the time of tentative map is only an estimate and is subject to revision and verification at the time of construction, as the estimated sales price of units in the residential project at the tentative map stage may change by the time the project is actually built.

(3) The in-lieu fee for each affordable unit for which the developer is responsible under this provision shall be sufficient to make up the gap between (i) the amount a low income household can afford to pay for a home and (ii) the anticipated cost of constructing the affordable unit (i.e., the "affordability gap"), plus a fee for administration of the city's inclusionary housing program. This administration fee shall be assessed per unit of the residential project, and shall be based on an appropriate percentage of the "affordability gap" for affordable units. The in-lieu fee for a residential project shall be determined using the following methodology:

(A) Cost of constructing an affordable unit minus affordable purchase price of a low income household for the residential project. This amount determines the "affordability gap";

(B) Calculate the inclusionary unit amount for the residential project at ten percent of the total (fractions of a whole unit shall be rounded up);

(C) Multiply the "affordability gap" by the number of inclusionary units required for the residential project.

(4) The product of this calculation plus the administration fee per unit equals the in-lieu fee to be charged for the residential project.

(5) An example of an in-lieu fee calculation for a twenty-unit for-sale single-family residential project is as follows:

Cost of constructing an affordable unit	$200,000
Affordable purchase price for low income household	150,000
Affordability gap	50,000
Inclusionary unit requirement	2 units (10% of 20 units)
$50,000 affordability gap x 2 units	100,000
$100,000 + administrative fee	in-lieu fee for the residential project

If the city determines that the developer may contribute in-lieu fees, the developer must pay such fees as a lump sum prior to the issuance of the first building permit for the residential project. No building permit or certificate of occupancy shall be issued by the city until the developer provides written proof of the payment of all in-lieu fees. (Ord. No. 1393, § 3 (part).)

Sec. 6A-5-30. Procedure for sale of affordable units.

(a) Initial Estimate of Affordable Purchase Prices. Prior to entering into an inclusionary housing agreement, at the request of the developer of a for-sale residential project, the community development department will assist developers in estimating the calculations of maximum affordable purchase prices based on the assumptions provided in this section. These estimations shall only be for the purpose of projecting the feasibility of the project and shall not be binding, as prevailing conditions in the housing market and fluctuations in interest rates may affect the final calculation of affordable purchase prices. The timing and procedure for final calculation of affordable purchase prices shall occur pursuant to the provisions of this section.

(b) Method for Sale of Affordable Units. The method for the sale of affordable units is shown in this subsection. The community development department shall review these assumptions and procedures annually and make revisions as necessary:

(1) Units Appraised at Fair Market Value. At the time that the unit will be marketed and made available for sale, the fair market value of the unit will be determined. This determination will be made by a qualified appraiser who will be selected by the community development director and paid for by the developer.

(2) Calculation of Affordable Maximum First Mortgage. The sale of affordable units will be implemented by a “silent second” mortgage program by the city. After the fair market value of the unit has been determined, the city will calculate the affordable maximum first mortgage amount for a qualified low income purchaser of the unit. The following procedure will be used for determining the affordable maximum first mortgage amount:

(A) Determine the family size appropriate to the unit. For purposes of this calculation, “adjusted for family size appropriate to the unit” means adjusted for a household of one person in the case of a studio unit, two persons in the case of a one-bedroom unit, three persons in the case of a two-bedroom unit, four persons in the case of a three-bedroom unit, five persons in the case of a four-bedroom unit and six persons in the case of a five-bedroom unit.

(B) Determine the household income available for the affordable maximum first mortgage calculation for a low income household based on the appropriate household size using the current HUD area median income figures for Yolo County. The calculation of available household income should be based on eighty percent of area median income for the appropriate household size.

(C) Calculate the amount of income available for housing costs by multiplying the income figure by thirty percent. For the purpose of determining the affordable purchase price, the cost of utilities, property taxes, insurance, primary mortgage insurance, maintenance and repair costs, and like expenses are not required to be included in the calculation. Homeowners’ association dues may be included in the calculation of affordable purchase price if the community development department determines that such costs would place a substantial burden on the low income homeowners’ ability to purchase a home and make monthly mortgage payments.

(3) Limitation of Down Payment Requirement. For purposes of this calculation, required down payments for low income purchasers shall be limited to no more than five percent of the purchase price. The developer or seller may not require a buyer to make a larger down payment but a buyer may elect to make a larger down payment in order to reduce

the amount of the first mortgage. This limit to the down payment requirement is intended to provide greater flexibility for low income homebuyers who might find it difficult to provide a higher down payment amount.
(4) Calculation of “Silent Second.” The “silent second” will be the difference between ninety-five percent of the purchase price (or purchase price minus down payment amount) and the amount of the affordable maximum first mortgage. A note and deed of trust, or other appropriate document, securing the silent second will be recorded and assigned to the city at the time of sale of each affordable unit. The promissory note and deed of trust, or other designated document, will remain a lien against the property, subordinate to the first mortgage. This note will have a thirty-year due date which can be extended by the community development director.
(c) Payoff of the Silent Second. The silent second may not be prepaid during its first ten years, as long as the low income purchaser occupies the unit as their primary residence during this period. The amount due to the city at the eventual payoff of the silent second or sale of the affordable unit to a non-qualified purchaser shall be the amount which bears the equal ratio to the fair market value at the time the silent second is paid off as the initial value that the silent second had in relation to the original fair market sales price. For example, if the original sales price was two hundred thousand dollars and the original silent second was fifty thousand dollars, the ratio would be twenty-five percent. If the fair market value at the time of payoff were four hundred thousand dollars, the amount due the city would be one hundred thousand dollars, or twenty-five percent of four hundred thousand dollars. In another case, if the property rose in value to two hundred fifty thousand dollars, the twenty-five percent ratio would dictate the payoff amount to the city to be sixty-two thousand, five hundred dollars.
(d) Affordable Housing Fund. Funds received by the city through payoffs of silent seconds will be deposited into the city’s affordable housing fund. These funds may be used at the discretion of the community development director to make additional silent second loans to income-qualified purchasers to facilitate the purchase of homes, to subsidize affordable multifamily projects, or for any other use to promote the development of affordable housing within the city. (Ord. No. 1393, § 3 (part).)

Sec. 6A-5-40. Homebuyer eligibility requirements for affordable units.

(a) Maximum Income Limitation. Low income households purchasing affordable units shall have incomes that do not exceed eighty percent of the current area median income for Yolo County as adjusted for household size.
(b) Primary Residence Certification. Purchasers must certify that the home will be used as a primary residence. (Ord. No. 1393, § 3 (part).)

Sec. 6A-5-50. Resale requirements for affordable units.

(a) Conditions of Owner-Occupancy Hardship.
(1) For so long as the qualified purchaser (owner) owns the unit, the unit will be occupied solely by the owner and the owner’s immediate family as the owner’s principal place of

residency. Notwithstanding the foregoing, however, the community development director may authorize the owner to rent-out the affordable unit, for a cumulative period not to exceed one year, if the owner establishes to the community development director's reasonable satisfaction that the owner-occupancy requirement would cause hardship to the owner because of:

(A) Divorce or separation of the owner(s);

(B) The extended absence from the affordable unit by the owner because of the serious illness or disability of the owner or a member of the owner's household or immediate family;

(C) Absolute necessity for immediate relocation of the owner from the greater Sacramento area for purposes for the owners' employment; or

(D) The owner's loss of employment.

(2) The purpose of the foregoing limited exceptions to the owner-occupancy requirement is to allow the owner to recover from a temporary inability to occupy the affordable unit or to provide for the orderly disposition of the unit in cases of hardship, and is not intended to permit long-term rental of the unit. For these reasons, the term "hardship" shall be narrowly construed and a condition of hardship shall be considered to exist for the minimum possible time.

(b) Procedure for Resale of the Affordable Dwelling Unit. In order to maintain the affordability of the for-sale affordable units the city shall impose the following resale conditions. No for-sale affordable units shall be offered for resale or resold other than in the manner provided herein until the owner or purchaser has owned the house for ten years or longer:

(1) Prior to advertising the availability of the for-sale affordable unit or otherwise offering the unit for sale, the owner shall provide the city with a notice of owner's intent to sell the unit. The notice shall indicate the location of the unit and the number of bedrooms contained in the unit. The notice shall provide the city a period of thirty calendar days after receipt of such notice (resale marketing period) to either:

(A) Provide the owner with an active and current list of interested and qualified purchasers; or

(B) Determine that no interested and qualified purchaser is available.

(2) Following the receipt of such notice, the city shall either complete or require the owner to have completed an appraisal report to determine the fair market value of the unit. This appraised value will be used by the city to determine the seller's silent second repayment obligation, equaling the amount which bears the same ratio to the fair market value at the time the note is paid off as the initial value that the silent second had in relation to the original fair market sales price. The city will also use the appraisal of the affordable unit to determine the amount of subsidy in the form of the assumed and possibly increased silent second that will be required by the subsequent qualified purchaser of the affordable unit.

(3) Upon receipt of the notice of owner's intent to sell, the city shall also provide the owner with a disclosure form that must be completed by a prospective qualified purchaser and returned to the city. The primary purposes of the disclosure form shall be to:

(A) Provide the city with information that the city will need to confirm that the prospective purchaser of the unit is a qualified purchaser; and

(B) Ensure that the prospective purchaser of the unit is aware of the owner-occupancy and resale restrictions applicable to the affordable unit.
(4) Within three days after executing any contract or agreement for sale of the affordable unit, the owner shall deliver to the city a copy of the contract or agreement, together with the completed and fully executed disclosure form and evidence supporting the prospective purchaser's gross income as shown on the disclosure form. The proposed sale shall be deemed approved unless the city, within ten days after receipt of such information, provides notice to the owner either that:
(A) The proposed sale does not comply with the provisions of this chapter; or
(B) Additional information is required.
If the proposed sale is disapproved or if the city determines that additional information is required, the notification shall be accompanied by a statement of the reason(s) for that decision.
(c) Resale to a Qualified Purchaser.
(1) Each qualified purchaser shall be required to purchase the affordable unit with cash, a mortgage secured by a first deed of trust on the affordable unit, or a combination of the two.
(2) At close of escrow the owner shall assign, and the qualified purchaser shall assume, the note, or other applicable document securing the city's silent second subsidy on the property. The ten-year occupancy requirement and restrictions on re-sale applied to the original qualified purchaser of the affordable unit shall be reset to the date the note or applicable document is assumed by the subsequent qualified purchaser.
(3) The city may provide an additional subsidy (if available) to increase the amount of the silent second mortgage in order to allow the qualified purchaser to purchase the unit (i.e., increase the percentage of the purchase price which is represented by the silent second note).
(4) The city shall subordinate its lien to any commercial lender providing a loan to enable the qualified purchaser to purchase the affordable unit, providing the amount of such loan does not exceed the purchase price for the affordable unit plus the qualified purchaser's actual share of closing costs and other related expenses. (Ord. No. 1393, § 3 (part).)

Sec. 6A-5-60. Limited exceptions to resale requirements.

(a) Inability to Identify a Qualified Purchaser.
(1) In the event the owner is unable to identify a qualified purchaser who is able to purchase the unit within the resale marketing period, the owner may, with the prior written consent of the city, sell the unit to a non-qualified purchaser without regard to the purchaser's income. The owner's request to the city to sell to a non-qualified purchaser shall be accompanied by evidence establishing that the owner has actively and in good faith attempted to identify a qualified purchaser for the unit throughout the resale marketing period using affirmative marketing measures. "Affirmative marketing" means that the owner shall have continuously listed the property on the multiple listing service and shall have acted in good faith in responding to inquiries and offers from qualified purchasers.

(2) In the event of an approved resale to a non-qualified purchaser due to the seller's inability to identify a qualified purchaser within the ten-year occupancy requirement, the seller shall be required to pay off the silent second to the city at the close of escrow. The amount due to the city shall be the amount which bears the equal ratio to the fair market value at the time the note is paid off as the initial value that the silent second had in relation to the original fair market sales price.

(b) Resale Necessitated by Hardship.

(1) The owner may sell the unit to a non-qualified purchaser during the ten-year affordability period and pay off the silent second note to the city in full if the community development director reasonably determines that the sale of the unit to a non-qualified purchaser is necessary due to circumstances of hardship, or "excluded transfers," which may include:

(A) Financial hardship causing risk of default of the owner's first mortgage;

(B) A transfer resulting from the death of the owner;

(C) A transfer to the owner and his or her spouse as joint tenants; and

(D) A transfer resulting from a decree of dissolution of marriage or legal separation or from a property settlement agreement incident to such decree.

(2) No excluded transfer shall be effective unless the city has received a written request to approve the excluded transfer not less than thirty days prior to the proposed date of transfer. Any such request shall be accompanied by documentation supporting the basis for the excluded transfer.

(3) In the event of an approved resale to a non-qualified purchaser necessitated by the seller's circumstance of hardship within the ten-year occupancy requirement, the seller shall be required to pay off the silent second to the city at the close of escrow. As previously stated, the amount due to the city shall be the amount which bears the equal ratio to the fair market value at the time the note is paid off as the initial value that the silent second had in relation to the original fair market sales price.

(c) Resale after Close of Ten Year Occupancy Requirement.

(1) The resale restrictions for affordable units shall be removed after a qualified purchaser has occupied the unit as their primary residence for at least ten years. However, the silent second note will remain with the property secured by the deed of trust or other applicable document until either:

(A) The unit is sold; or

(B) The silent second becomes amortized and payable after thirty years per the provisions of this chapter, unless extended by the community development director.

(2) In the event that the affordable unit is resold at fair market value, the silent second is due in full at the close of escrow. Again, the amount due to the city shall be the amount which bears the equal ratio to the fair market value at the time the note is paid off as the initial value that the silent second had in relation to the original fair market sales price. (Ord. No. 1393, § 3 (part).)

Sec. 6A-5-70. Monitoring and compliance requirements for for-sale units.

Single-Family Residential Project Monitoring Requirements. Affordable for-sale units will be monitored to make sure that the owners are complying with the occupancy

requirement and are not subleasing the property. Certified or return-receipt mailings will be sent to the owners of affordable for-sale units at least once every two years with a form requesting the required certifications. In addition, the mailing should restate the restrictions regarding sale or refinancing of the property. (Ord. No. 1393, § 3 (part).)

Article VI. Administration.

Sec. 6A-6-10. Administration of inclusionary housing program.

The community development department shall be responsible for the implementation of this chapter. (Ord. No. 1393, § 3 (part).)

Sec. 6A-6-20. Administrative review of adverse determinations.

(a) Any applicant or other person who contends that his or her interests have been adversely affected by a determination in regard to this chapter or the guidelines prepared by the community development department for the implementation of this chapter may appeal such determination to city council by filing a written appeal with the city clerk within ten calendar days after the determination or requirement is made. Said appeal shall be accompanied by a filing fee as prescribed by city council resolution. At its next regular meeting after the filing of such appeal, the city council shall set a date for a public hearing on the matter and shall mail notice of the hearing at least ten calendar days prior to said hearing.
(b) The city council may reverse or modify any such determination if it finds that the action under appeal does not conform to the provisions of this chapter or to the guidelines prepared by the community development department for the implementation of this chapter. (Ord. No. 1393, § 3 (part).)

Sec. 6A-6-30. Judicial review.

Nothing in this chapter shall in any way preclude or limit any aggrieved party from seeking judicial review after such person has exhausted the administrative remedies provided by this chapter. However, it shall be conclusively presumed that a litigant has not exhausted his or her administrative remedies as to any issue which is not raised in the administrative proceedings authorized in this chapter. (Ord. No. 1393, § 3 (part).)

Sec. 6A-6-40. Penalties and enforcement.

(a) Any person violating any provision or failing to comply with any of the requirements of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable for each offense by a fine, or by imprisonment in the county jail, or by both fine and imprisonment. Such person shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is commenced, continued or permitted and shall be punished as provided in this chapter.
(b) In lieu of or in addition to the penalties prescribed above, the city may institute such other legal proceedings as it deems necessary and proper for the enforcement of the terms of this chapter, including but not limited to actions for specific performance, injunctive relief, or such other legal or equitable remedies as may be available under state or federal law. (Ord. No. 1393, § 3 (part).)