

City of Winters Inclusionary Housing Ordinance

Section 17.60.030 Affordable housing development.

A. Purpose.

The public welfare requires the city to take action to ensure that affordable housing is constructed and maintained within the city. The general plan contains goals, policies and implementation programs designed to facilitate the development of new and rehabilitation for affordable housing. Such policies include but are not limited to, achieving the community's fair share regional allocation for housing for very low and low income households, establishing density bonuses to facilitate construction of housing for targeted income groups, rezoning land to promote mixed uses and affordable housing, and seeking all available sources of funding (including redevelopment) to facilitate development of affordable housing by the private sector. Special needs must be addressed, such as adequate bedrooms for large families and housing for seniors.

B. Individualized Projects.

The Winters general plan contains a policy that at least fifteen (15) percent of all new housing units will be affordable to persons of very low, low, or moderate income households, with six percent of new housing being affordable to very low income households, and nine percent being affordable to low or moderate income households in proportion to the unmet needs for each identified in the current housing element. This policy may be met in a variety of ways, including but not limited to, construction of dwelling units (single-family or multifamily) and sales or rentals; dedication of land; monetary payments in-lieu of dedication of land, cooperative ventures with non-profit housing corporations, mutual housing associations, limited equity housing cooperatives, self-help or "sweat equity" projects, etc.

The city will explore all avenues of funding and cooperative efforts to assist in the development of affordable housing by the private and nonprofit sectors.

The city's policy is to cause to be constructed fifteen (15) percent of all new housing for very low, low and moderate income households. This is a community-wide policy. Each project/subdivision shall meet the fifteen (15) percent affordable housing provision, but it shall be individualized or tailored as to how the provision is met. Every project will not be identical. A project individualized program shall be developed jointly by the developer/builder and city. The program shall be identified and approved prior to recordation of the final map for the subdivision. The city reserves the final authority to determine whether the developer's project individualized program meets the city's affordable housing requirements.

While the city's goal is to see that all required affordable housing units are ultimately constructed at a location(s) within the community, the approved affordable housing program for each development may include but is not limited to a combination of the following elements:

1. Construct units for sale or rental (on the project site or at another location in the city);
2. Provide an irrevocable offer of dedication of land;
3. Payment of an in-lieu fee instead of constructing units or dedicating land;
4. Density bonuses shall be granted for low and lower income units pursuant to State Statute.

Additionally, the city shall require, through a condition of project approval and inclusion in the subdivision improvement and maintenance agreement, language which acknowledges the subdivider is aware of and will abide by the city's general plan requirements to disperse affordable housing throughout the community. Concentration or isolation of affordable units is to be avoided.

C. Density Range.

Pursuant to the general plan, residential subdivisions of sites which are classified medium high and high density residential in the general plan which promote development of affordable housing shall be approved in the upper one-half of the density ranges, unless site constraints effectively prohibit such intensity of development. (A residential subdivision shall be considered as promoting development of affordable housing if at least twenty (20) percent of the total units to be developed are designated for low income households, or ten (10) percent of the total units to be developed are designated for very low income households, and where the units meet the long-term affordability requirements outlined in subsection (D) below.) A development which promotes affordable housing development shall qualify for a density bonus, described in subsection (D), below.

D. Density Bonuses.

1. Density bonuses shall be provided for qualified projects in accordance with the Health and Safety Code and Section 65915 et seq. of the Government Code, through a twenty-five (25) percent density bonus over the otherwise maximum residential density allowed by the general plan and zoning ordinance to promote the inclusion of very low and low income and/or senior housing households. Similarly, the city shall grant a density bonus of twenty-five (25) percent where a condominium project proposes to convert at least thirty-three (33) percent of total units for availability to low income households or where fifteen (15) percent of the total units are made available to very low income households.

2. In addition to the density bonus, the developer of a qualifying residential subdivision shall be granted at least one of the following incentives, consistent with state law and as approved by the planning commission.

- a. A reduction in yard setbacks, on-site parking requirements or an increase in building heights to help facilitate construction of the units;
- b. Reduction in minimum lot sizes to accommodate affordable housing development throughout the city;
- c. Approval of mixed use projects if commercial, office, industrial or other development will help reduce the cost of providing the affordable housing and if the proposed land uses will be compatible with one another, the general neighborhood and the general plan;
- d. Other incentives, as determined appropriate by the planning commission, which result in the identifiable cost reductions for development of the affordable units, including expedition of permit processing.

E. Term.

Affordable housing for low and very low income households shall remain affordable for a period of not less than fifty-five (55) years, regulated by deed restriction.

F. Housing Mix.

A community-wide housing mix is essential. Seniors and large families must be addressed as well as average size households. Affordable housing units shall include a mix of unit sizes, and to the extent feasible, should be dispersed throughout the development.

G. Minimum Size.

The city shall approve development programs for affordable housing proposals with a minimum acceptable size of land dedication based upon development feasibility including standard criteria such as parking, open space, building height, etc.

H. In-Lieu Fees.

In-lieu fees shall be established by resolution of the city council. Any such payments shall be deposited into a separate account for independent audit and entitled, "Affordable Housing Fund." This in-lieu fee shall be levied on builders only when on-site construction and dedication of land requirements are not deemed feasible or in combination with construction and dedication. The preferred action is construction of housing as compared to payment of in-lieu fees. The city shall determine whether the payment of in-lieu fees is appropriate to meet the affordable housing requirements. The city reserves the final authority to determine whether the developer's project individualized program meets the city's affordable housing requirements. (Ord. 2003-01 §12; Ord. 97-03 § 2 (part): prior code § 8-1.5303(C))