
Section 12.03.160 Residential Density Bonuses and Incentives for Affordable and Senior Citizen Housing.

- A. *Purpose.* As required by Cal. Gov't Code § 65915, and as provided by policy in Chapter 8 of the Nevada County General Plan, the purpose of this Section is to provide density bonuses and other incentives, concessions, or waivers for certain housing projects affordable to lower income, very low income, senior citizen housing, and moderate income housing projects.

This zoning ordinance includes additional density bonus and incentive provisions in Section governing Transitional and Supportive Housing.

- B. *Standards.* In order to be eligible for a density bonus and other incentives as provided by this Section, a proposed residential development project shall meet all the applicable eligibility requirements of this section:
1. Consist of five (5) or more rental units, or dwelling units offered for sale; and
 2. Be designed and constructed so that at least:
 - a. Ten percent (10%) of the total number of proposed units are for lower income households, as defined in the Cal. Health & Safety Code § 50079.5; or
 - b. Five percent (5%) of the total number of proposed units are for very low-income households, as defined in the Cal. Health & Safety Code § 50105; or
 - c. Fifty percent (50%) of the total number of proposed units are for qualifying residents as determined by Cal. Civ. Code §§ 51.3 and 51.12 (senior of any income level), or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Cal. Civ. Code §§ 798.76 or 799.5; or
 - d. Ten percent (10%) of the total number of proposed units are for families of moderate income (eighty percent (80%) to one hundred twenty percent (120%) of median income) as defined by Cal. Health & Safety Code § 50093; or
 - e. Fifty percent (50%) of the total number of proposed units are for workforce housing (sixty percent (60%) to one hundred fifty percent (150%) of median income); or
 - f. Ten percent (10%) of the total number of proposed units are for transitional foster youth, as defined in Cal. Educ. Code 66025.9, disabled veterans, as defined in Cal. Gov't Code § 18541, or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of fifty-five (55) years and shall be provided at the same affordability level as very low-income units; or
 - g. Twenty percent (20%) of the total number of proposed units are for lower income students in a student housing development for an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges; or
 - h. One hundred percent (100%) of the total number of proposed units including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Cal. Health & Safety Code § 50079.5, except that up to twenty percent (20%) of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Cal. Health & Safety Code § 50053; and

- i. The units described herein shall be subject to the continued affordability requirements of all very-low- and low-income rental units that qualified the applicant for the award of the density bonus for fifty-five (55) years or a longer period of time, as described in State Density Bonus Law at Cal. Govt. Code § 65915, Subdivision I, Paragraph (1) - 65918. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Cal. Health & Safety Code § 50053.
- 3. Satisfy all other applicable provisions of this Chapter.
- C. *Type of Bonus and Incentives Allowed.* The county will allow a residential development a density bonus and concessions or incentives meeting all the applicable eligibility requirements of this section.
 - 1. A housing development that satisfies all applicable provisions of this Section shall be entitled to the following density bonus and other incentives or concessions:
 - a. If an applicant elects to construct units for low-income households for at least five percent (5%) of the total dwelling units, the development shall be entitled to the following density bonus calculation and incentives or concessions:

Percentage Low-Income Units	Percentage Density Bonus	Incentives or Concessions
10	20	1
11	21.5	1
12	23	1
13	24.5	1
14	26	1
15	27.5	1
16	29	1
17	30.5	2
18	32	2
19	33.5	2
20	35	2
21	38.75	2
22	42.5	2
23	46.25	2
24	50	3

- b. If an applicant elects to construct units for very-low-income households for at least ten percent (10%) of the total dwelling units, the residential development shall be entitled to the following density bonus calculation and incentives or concessions:

Percentage Very/Low Income Units	Percentage Density Bonus	Incentives or Concessions
5	20	1
6	22.5	1
7	25	1

8	27.5	1
9	30	1
10	32.5	2
11	35	2
12	38.75	2
13	42.5	2
14	46.25	2
15	50	3

- c. If an applicant elects to construct units for moderate income households for at least ten percent (10%) of the total dwelling units, the development shall be entitled to the following density bonus calculation:

Percentage Moderate-Income Units	Percentage Density Bonus	Incentives or Concessions
10	5	1
11	6	1
12	7	1
13	8	1
14	9	1
15	10	1
16	11	1
17	12	1
18	13	1
19	14	1
20	15	2
21	16	2
22	17	2
23	18	2
24	19	2
25	20	2
26	21	2
27	22	2
28	23	2
29	24	2
30	25	3
31	26	3
32	27	3
33	28	3
34	29	3

35	30	3
36	31	3
37	32	3
38	33	3
39	34	3
40	35	3
41	38.75	3
42	42.5	3
43	46.25	3
44	50	3

- d. If an applicant elects to construct a senior citizen housing development with at least fifty percent (50%) of the total dwelling units for senior citizens, the density bonus shall be twenty percent (20%) of the total number of allowed housing units without the density bonus, or as described in Subsection e. of this Section.
- e. If an applicant elects to construct a Senior Citizen or Disabled Apartments or a Senior or Disabled Independent Living Center development with one hundred percent (100%) of the total dwelling units for senior citizens, the development shall be entitled to the following density bonus calculation:

Allowable Density Bonus	If All Dwelling Units Are Within, or Have Available:	% Parking May be Reduced as Provided in Section 12.04.180 ⁽¹⁾
10%	Within 750 ft. of transit stop or directly served by public transit	10%
25%	Minimum of 2 meals per day served in community dining hall	5%
-	Age 55 years or older (by State Requirements)	5%
20%	Within 1,500 ft. of an existing regional or neighborhood shopping center	5%
10%	Within 100 ft. of an existing neighborhood or community park or public recreation facility	5%
20%	Self-contained village, no outside public access (i.e., drug and sundry store, beauty and barber shop, etc.) minimum of 5% or 800 sq. ft., whichever is greater, of the common floor space	5%
5%	Community washers & dryers provided	5%
10%	Within 1 mile of health care facilities, emergency/acute care	5%
10%	On-site outdoor recreation facilities (parks, paths, tennis courts, pools, etc.) Min. 10% of gross floor area	-

Footnote:

⁽¹⁾ As part of the Use Permit consideration, the hearing body may restrict the total number of resident cars to be parked on-site or designate employee or visitor parking.

- i. In order for a project to qualify for a density bonus under this Subsection, it must meet the following minimum standards:

1. Residents must be fifty-five (55) years of age or older or disabled. In the case of married or cohabitant couples, at least one (1) occupant must be fifty-five (55) years or older or disabled.
 2. The project must be located on an existing transit line, have an all-weather bus shelter stop, approved by the local transit authority, immediately adjacent to the project, and be readily served by a public transit provider.
 3. The project must provide for or otherwise bear the cost of providing for paratransit demands of the project's residents.
 4. A minimum of five percent (5%) of the total indoor floor space must be devoted to recreation/social/educational facilities (i.e., recreation room, library, TV room, multi-purpose common room, etc.).
 5. All on-site facilities may only be used for the private use of the residents living on-site and their invited guests.
 6. The proposed project shall be served by a public water supply as defined in the Section of this Code governing Water Supply and Resources and a publicly owned and operated sanitary sewer system as defined in Section governing Centralized Wastewater Collection, Treatment and Disposal System of this Code.
- f. If an applicant elects to construct a housing development with at least fifty percent (50%) of the total units for workforce housing, the density bonus shall be twenty percent (20%) of the total number of allowed housing units without the density bonus.
- i. In order for a project to qualify for a density bonus under this Subsection, it must meet the following minimum standards:
1. No less than fifty percent (50%) of the adult tenants must work full-time within the boundaries of the County of Nevada.
 2. No less than twenty-five percent (25%) of the units shall target the sixty (60) to eighty percent (80%) median family income range.
- g. If an applicant elects to construct a housing development with at least ten percent of the total dwelling units for transitional foster youth, disabled veterans, or homeless persons, the density bonus shall be thirty-five percent (35%) of the total number of allowed housing units without the density bonus and the applicant may request one (1) incentive or concession.
- h. If an applicant elects to construct units for low income households with one hundred percent (100%) of the total dwelling units, exclusive of manager's unit(s), except that up to twenty percent (20%) of the total units in the development may be for moderate-income households, the density bonus shall be eighty percent (80%) of the number of units for lower income households and the applicant may request four (4) incentives or concessions. If the housing development is located within one-half (0.5) mile of a major transit stop, as defined in Cal. Pub. Res. Code § 21155, there shall be no maximum density, the applicant may request four (4) incentives or concessions, and the applicant shall also receive a height increase of up to three (3) additional stories, or thirty-three (33') feet.
- i. If an applicant elects to donate lands to the County in accordance with the State Density Bonus Law at Cal. Gov't Code § 65915, Subdivision (g)-65918, the development shall be entitled to the following density bonus:

Percentage Very Low Income	Percentage Density Bonus
----------------------------	--------------------------

10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

* Density Bonus is a density increase over the otherwise maximum allowable residential units permitted under existing zoning or the General Plan Land Use Element whichever is more restrictive.

EXAMPLE: The zoning for a parcel is R3 (twenty (20) units per acres). By meeting all of the density bonus standards, the bonus is one hundred twenty-five percent (125%).

$$20 \text{ UPA} \times 1.25 = 25 \text{ UPA} + 20 \text{ UPA} = 45 \text{ UPA Total}$$

3. An applicant may request the following incentives or concessions for affordable housing only when the residential project is eligible for, and the applicant requests, a density bonus pursuant to this Section. For the purposes of this Section, an incentive means the following:
 - a. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Cal. Health & Safety Code §§ 18901—18919 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 that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Cal. Health & Safety Code § 50052.5, or for rents for the targeted units to be set as specified in Subdivision I.
 - b. 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.

- c. Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Cal. Health & Safety Code § 50052.5, or for rents for the targeted units to be set as specified in Subdivision I.
 - d. Reduction by fifty percent (50%) all County permit fees for projects that develop housing for very low-income households, lower income households or housing for persons with disabilities as defined by the California Fair Employment and Housing Act and the Federal Fair Housing Amendments Act of 1988.
4. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.
- D. *Continued Availability.* The land use permit application or tentative map application for the residential project shall include the procedures proposed by the developer to maintain the continued affordability of all very low or lower income and senior citizen units as well as moderate income density bonus units as follows:
- 1. *Projects with Density Bonus and Other Incentive.* Projects receiving a direct financial contribution or other financial incentive from the County, or a density bonus and at least one (1) other concession or incentive as provided by Subsection C of this Section, shall maintain the availability of all very low or lower income units for a minimum period of fifty-five (55) years required by Cal. Gov't Code §§ 65915 and 65916 or longer if required by the Construction or Mortgage Financing Assistance Program, Mortgage insurance Program or Rental Subsidy Program, as applicable by these programs.
 - 2. *Projects with Density Bonus Only.* Privately financed projects that receive a density bonus as the only incentive from the County consistent with Cal. Gov't Code § 65915, shall maintain the availability of very low- and lower-income density bonus units for fifty-five (55) years where such units are rented or leased. Where such housing is owner-occupied, the applicant shall agree to ensure, and the county shall ensure that a for-sale unit that qualified the applicant for the award of the density bonus meets the conditions described in Cal. Gov't Code § 65915(2)(A). Privately financed projects that receive a density bonus as the only incentive from the County consistent with Cal. Gov't Code § 65915(c), shall maintain the availability of senior citizen units as well as moderate density bonus units for ten (10) years where such units are rented or leased.
 - 3. *Deed Covenant Required.* The deed to the designated units shall contain a covenant stating that the developer or their successor in interest shall not sell, rent, lease, sublet, assign or otherwise transfer any interests for same without the written approval of the Director of Nevada County Health and Human Services Agency confirming that the cost of the units will remain consistent with the limits established for the affected density bonus.
 - 4. *Other Incentive Only.* Projects which include other incentives, not including public financing, or density bonuses, shall have the minimum period established by Use Permit consistent with the benefit received. In no event shall such minimum period be less than ten (10) years.
- E. *Land Donation.* If an application submitted pursuant to this Section includes a request for a density bonus based on an offer to donate land in accordance with the State Density Bonus Law, then a complete application, in addition to other requirements of this Section, shall satisfy the requirements defined in Cal. Gov't Code § 65915(g).
- F. *Procedures.* The County shall approve, modify or disapprove the application to donate land in accordance with the requirements of this Section and the State Density Bonus Law. A request for a density bonus and regulatory concessions and/or incentive shall require a Use Permit and be subject to the following provisions:

-
1. *Supporting Information.* The developer shall include information with the application, based upon building industry standard, to substantiate that any requested waiver or modification of zoning or subdivision standards is meets the following standards:
 - a. The concession or incentive does results in identifiable and actual cost reductions, consistent with Cal. Gov't Code § 65915(k), to provide for affordable housing costs, as defined in Cal. Health & Safety Code § 50052.5, or for rents for the targeted units to be set as specified in Cal. Gov't Code § 65915.
 - b. The concession or incentive would not have a specific, adverse impact, as defined in Paragraph (2) of Subdivision (d) of Cal. Gov't Code § 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
 - c. The concession or incentive would not be contrary to State or Federal law.
 2. *Initial Review.* Proposed bonus requests shall be included as part of the application for Use Permit for the residential project, which may be a subdivision and be accompanied by a tentative map and shall be reviewed by the Planning Director. Proposed bonus requests shall satisfy the following requirements:
 - a. Identify the section and/or subdivision of the State Density Bonus Law under which the application is made.
 - b. Quantify the total density bonus requested, along with the factual and legal basis for the request in accordance with the State Density Bonus Law and this Section.
 - c. Identify any incentives or concessions requested by the applicant, along with the factual and legal basis for the request in accordance with the State Density Bonus Law and this Section.
 - d. Identify any waivers, reductions, or modifications of development standards requested by the applicant, along with the factual and legal basis for the request in accordance with the State Density Bonus Law and this Section.
 - e. Provide information satisfactory to the director to enable the County to determine whether the requirements of the State Density Bonus Law and this Code have been met by the applicant, including, for example, the project cost per unit and whether any requested incentive or concession is necessary to make the housing units economically feasible (see Cal. Gov't Code § 65915, Subdivision (d)). Such information may include capital costs, equity investment, debt service, projected revenues, operating expenses, and any other information deemed necessary by the Director.
 3. *Findings for Approval.* In addition to the findings required for approval of the application for the project, support of a density bonus by the Planning Director and the approval of the bonus by the applicable approval body shall also require the following special findings:
 - a. 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.
 - b. If the County does not grant at least one (1) financial concession or incentive as defined in Cal. Gov't Code § 65915 in addition to the density bonus, that the additional concession or incentive is not necessary in order to provide for affordable housing costs as defined in Cal. Health & Safety Code § 50525 or for rents for the targeted units to be set as specified in Cal. Gov't Code § 65915.
 - c. There are sufficient provisions to guarantee that units will remain affordable in the future.

-
- G. *Residential Inclusionary Affordable Housing Component.* In addition to the above incentives, all projects or subdivisions within the Town of Truckee's Sphere of Influence creating twenty (20) or more parcels or units within the Urban High Density, Urban Medium Density, and Urban Single-Family Density General Plan land use map designations shall have an inclusionary affordable housing component of ten percent (10%). These requirements do not apply to unincorporated areas outside of the Town of Truckee's Sphere of Influence. Details regarding this component are contained in Title 13 Subdivisions, Water Supply and Distribution Requirements.
- H. *Childcare Facilities.* In addition to the above incentives, for all projects or subdivisions eligible for a density bonus and other incentives as provided by this Section that includes a childcare facility that will be located on the premises, the County shall grant additional density bonus or incentive or concession.
1. When an applicant proposes to construct a housing development and includes a childcare facility as defined in Cal. Gov't Code § 65915(h)(4) that will be located on the premises of, as part of, or adjacent to, the project, the County shall grant either of the following:
 - a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility.
 - b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.
 2. The County shall require, as a condition of approving the housing development, that the following occur:
 - a. The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.
 - b. Of the children who attend the childcare facility, the children of very low-income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income.

(Ord. 2529. (09/12/2023); Ord. 2533. (12/05/2023))