

Chapter ~~17~~18.31

Density Bonuses and Affordable Housing Incentives

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18.31.010 - Purpose

A. This Chapter is intended to implement the requirements of State law (Government Code ~~Sections 65583, 65913, and Section~~ 65915; et seq.) and the Housing Element of the General Plan, by offering a density bonus and other incentives for the development of housing that is affordable to the types of households and qualifying residents identified in Section ~~17~~18.31.030 (Density Bonus and Incentives Eligibility), and for development of senior housing, all as further provided for in Government Code Section 65915.

B. This chapter also sets forth density bonus and housing incentives in addition to State law which encourage the development of housing that is affordable to a range of households with varying income levels.

17.31.015 - Applicability

~~This Chapter shall govern the review and approval of Use Permits, coastal development permits, and all other applicable planning permits.~~

~~17(Ord. 930, § 2, passed 06-12-2017)~~

18.31.020 - Definitions

The specialized and technical terms and phrases used in this Chapter are defined in Article 10 (~~Glossary & Index~~ Definitions), under "Affordable and Inclusionary Housing Requirements."

~~"Effective date of this Chapter" means the date of Local Coastal Program effective certification by the Coastal Commission pursuant to Section 13544 of Title 14 of the California Code of Regulations.~~

~~17(Ord. 930, § 2, passed 06-12-2017)~~

18.31.030 - Density Bonus and Incentives Eligibility

In order to be eligible for a density bonus and/or other incentives as provided by this Chapter, a proposed housing development shall comply with the following requirements, and satisfy all other applicable provisions of this Development Code and State law, except as provided by ~~Section ~~17~~18.31.040 (Types of Density Bonuses and Incentives Allowed), below.:~~

A. ~~**Resident requirements.**~~ **Housing development.** In order to qualify for a density bonus and incentives, the housing development shall meet ~~current State density bonus law~~ Government Code Section 65915(b) requirements with regard to affordability and household income levels. ~~City staff shall keep a summary of State density bonus law available for review by interested parties, and senior housing.~~

B. **Redevelopment of nonvacant sites.** Per Government Code Section 65915(c)(3)(A), to qualify for a density bonus and/or incentives a project proposed for a nonvacant site shall be ineligible for a density bonus, incentives or concessions if the housing development is proposed on property that includes parcel(s) with affordable rental dwelling units (subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income or are occupied by lower or very low income households) or which had

affordable rental dwelling units that have been vacated or demolished in the 5-year period preceding the application; unless the proposed housing development replaces those units, and either of the following applies:

1. The proposed housing development, inclusive of the units replaced pursuant to this Subsection, contains affordable units at the percentages set forth in Government Code Section 65915(b); or
2. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

C. Minimum project size to qualify for density bonus. ~~The density bonus shall be available only to a housing development of five or more dwelling units that provide~~provides affordable housing ~~as in compliance to the inclusionary housing ordinance 17 with Chapter 18.32 or (Inclusionary Housing Requirements), or in compliance with State law.~~

CD. Condominium conversion projects. A condominium conversion project ~~shall comply~~is eligible for a density bonus or incentives if it complies with the eligibility and other requirements in State law (Government Code Section 65915.5).

~~**D. "E. "Sweat equity" developments.** A "sweat equity" housing development (one where some or all of the construction labor is provided by purchasers of the housing units), where all purchasers are lower income households, but where the continuing affordability of the units is not guaranteed, eligible for the time period required by Section 17.32.060 (D) (Continued Affordability), may be granted incentives in compliance with Subsection 17§ 18.31.040.E (Types of Density Bonuses and 045(B)(5) (Incentives Allowed for affordable housing projects – Incentives for "sweat equity" developments).~~

EE. Donations of Landland. ~~The dedication~~donation of land ~~large enough to accommodate at least 15 percent of the market rate units at densities suitable~~makes a project eligible for affordable housing. ~~Land donations must satisfy a density bonus if it satisfies all of the following requirements: of Government Code Section 65915(g).~~

(Ord. 930, § 2, passed 06-12-2017; Am. Ord. 1013, § 2, passed 07-14-2025)

- ~~181. Have the appropriate General Plan designation, zoning, and development standards to permit the feasible development of units affordable to households per Subsection 17.32.060.A in an amount equal to at least 15 percent of the units in the residential development;~~
- ~~2. Served by adequate public facilities and infrastructure;~~
- ~~3. Have all necessary approvals except building permits needed to develop the affordable housing;~~
- ~~4. Subject to a deed restriction to ensure continued affordability; and~~
- ~~5. Transferred to City or to a housing developer identified by the City.~~

17.31.040 - Types of Density Bonuses and Incentives Allowed

The amount of a density bonus and the extent of other incentives allowed ~~by~~for a proposed housing development shall be determined by the Council ~~in compliance with this Section.~~

~~review authority~~**A. Density bonus** in compliance with State ~~Law.~~

~~1. Density ranges described in land use designations of the certified LCP may be exceeded consistent with the provisions of Government Code Section 65915 to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses). In reviewing a proposed density increase, the City shall identify all feasible means of accommodating the density increase law and this Section.~~

A. Amount of density bonus. The amount of density bonus provided by the City of Fort Bragg shall comply with State law, Government Code Section 65915(f).

B. Additional density bonus. Housing developments that qualify for a density bonus under State law may be eligible for an additional density bonus by the review authority, as outlined below:

1. Bonus for preferred design and/or green design. An additional 5% density bonus may be granted to developments with preferred design features and/or green/environmentally sustainable design features as determined by the Planning Commission and defined in the General Plan and the Citywide Design Guidelines.

2. Relation to maximum statutory bonus density. Bonus densities under State law are limited to an aggregate amount of 35%. The above local density bonus shall be in addition to and does not count towards calculating the aggregate statutory density bonus.

3. Consider the effects of such means on coastal resources. The City shall only grant a density increase if the City determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the City determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the City shall not grant the density increase.

2. Bonus or incentives allowed for housing development with child care facility. A housing development that complies with the resident requirements of State law and also includes a child care facility on the premises shall be eligible for an additional bonus or incentives, subject to compliance with the requirements as stipulated by Government Code Section 65915(h).

(Ord. 930, § 2, passed 06-12-2017)

18.31.045 - Incentives and Waivers/Modifications of Development Standards

A. Waivers/modifications of development standards. If a density bonus and/or other incentives cannot be accommodated on a site due to strict compliance with the ~~provisions~~ development standards of this Development Code, the ~~applicant may request and the Council may~~ shall modify or waive ~~othersuch~~ development standards as necessary to accommodate all bonus units and other incentives to which the development is entitled ~~only if it is determined that the means of accommodating the proposed development standard modifications would not have an adverse effect on coastal resources. If, however, the City determines that the means for accommodating the proposed development standard modifications would have an adverse effect on coastal resources, the City shall not grant the development standard modifications.~~ unless the waiver or modification would have an adverse impact as further defined in Government Code Section 65915(e)(1).

~~3. A development shall be entitled to additional incentives or concessions as provided by State law, if the additional requirements of the State law (Government Code Section 65915(d)(2)) are met and only if it is determined that the means of accommodating the additional incentives or concessions would not have an adverse effect on coastal resources. If, however, the City determines that the means for accommodating the additional incentives or concessions would have an adverse effect on coastal resources, the City shall not grant the development standard modifications.~~

~~4. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified Local Coastal Program policies and development standards.~~

B. Additional density bonus. Projects may be eligible for an additional density bonus as outlined below:

1. Bonus for preferred design and/or green design. An additional 5 percent density bonus may be granted to developments with preferred design features and or green/environmentally sustainable design features as determined by the Planning Commission.

2. Bonus for donation of land. A density bonus of 10 percent is available for the donation of land that complies with the requirements of Subsection 17.31.030 E. (Density Bonus Eligibility, Donations of land).

3. Consider Impact on Coastal Resources. In reviewing a proposed additional density bonus, the City shall identify all feasible means of accommodating the additional density bonus and consider the effects of such means on coastal resources. The City shall only grant an additional density bonus if the City determines that the

~~means of accommodating the additional density bonus proposed by the applicant does not have an adverse effect on coastal resources. If, however, the City determines that the means for accommodating the additional density bonus proposed by the applicant will have an adverse effect on coastal resources, the City shall not grant the additional density bonus.~~

C. ~~Extent of bonus and incentives allowed in addition to those provided for by State Law.~~

~~1. **Incentives allowed for "sweat equity" housing.** A "sweat equity" development in compliance with Section 17.31.030.D (Density Bonus Eligibility, "sweat equity" developments) may be granted incentives only, in compliance with Subsection E., below.~~

~~2. **Bonus and incentives allowed for housing with child care facility.** A housing development that complies with the resident requirements of State Density Bonus Law, and also includes a childcare facility other than a large or small family day care home, that will be located on the site of, as part of, or adjacent to, the development shall be subject to the following additional bonus, incentives, and requirements.~~

~~a. **Additional bonus and incentives.** The City shall grant a housing development that includes a childcare facility in compliance with this Subsection either of the following:~~

~~i) An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the child care facility; or~~

~~ii) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.~~

~~b. **Requirements to qualify for additional bonus and incentives.** The City shall require, as a condition of approving the housing development, that:~~

~~i) The child care facility shall remain in operation for a period of time that is as long or longer than the period of time during which the density bonus units are required to remain for affordable in compliance with Section 17.32.060.D. (Continued Affordability); and housing projects.~~

~~ii) Of the children who attend the child care 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 in compliance with Section 17.31.030.A.~~

~~c. **Consider Impact on Coastal Resources.** In reviewing a proposed density bonus or concession for a child care facility, the City shall identify all feasible means of accommodating the density bonus or concession and consider the effects of such means on coastal resources. The City shall only grant a density bonus or concession for a child care facility if the City determines that the means of accommodating the density bonus or concession does not have an adverse effect on coastal resources. If, however, the City determines that the means for accommodating the density bonus or concession will have an adverse effect on coastal resources, the City shall not grant the density bonus or concession.~~

~~The City shall not be required to provide a density bonus or concession for a child care facility in compliance with this Subsection if it finds, based upon substantial evidence, that the community has adequate child care facilities.~~

D. ~~Other incentives.~~

~~1. **Available concessions or incentives.** A housing development qualifying project for a density bonus under Government Code Section 65915(b) shall be entitled to at least one of the following concessions or incentives identified by State law (Government Code Section 65915[b]), in addition to the density bonus allowed by State Law and Subsection B, above (k).~~

~~a. A reduction in the site development standards of this Development Code [e.g. site coverage, landscaping, height restriction waivers, reduced parcel dimensions (i.e., minimum length and width, including lot area), and/or setback requirements];~~

~~b. Approval of mixed use zoning not otherwise allowed by this Development Code in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the project will be located;~~

~~e. A reduction in the vehicular parking standards, inclusive of handicapped and guest parking, not to exceed the following ratios:~~

~~i) Zero to one bedrooms: one on-site parking space.~~

~~ii) Two to three bedrooms: two on-site parking spaces.~~

~~iii) Four and more bedrooms: two and one-half parking spaces.~~

~~If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "on-site parking" per the Land Use and Development Code, but not through on-street parking; incentives as established in Government Code Section 65915(d).~~

~~2. d. Other regulatory **Preferred or pre-approved Council** incentives or concessions proposed by the developer or the City that will result in identifiable and actual cost reductions.~~

~~2. Limitations on concessions or incentives if adverse effects on coastal resources. In reviewing a proposal for one or more of the above incentives, the City shall consider all feasible alternative incentives and their effects on coastal resources. The City shall only grant one or more has established a set of the above preferred incentives if the City determines that they by resolution from which developers may select an incentive(s) proposed pursuant to this section will not have any adverse effects on coastal resources. The City may grant one or more of those incentives that do not have an adverse effect on coastal resources. If all feasible incentives would have an adverse effect on coastal resources, the City shall not grant any of the incentives.~~

~~3. Finding when concession or incentive not required. The City shall approve one or more of the above incentives, notwithstanding the other provisions of this Chapter, unless it makes a written finding, based on substantial evidence, that the additional concession or incentive is not required in order to provide for affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set in compliance with Government Code Section 65915(c), or all feasible incentives would have an adverse effect on coastal resources certainty of approval by the Council.~~

E. Applicant requested incentives.

13. Applicant specified concessions or incentives. An applicant may submit to the City a request for specific concessions or incentives in compliance with this Section and State law.

24. Required findings to reject concession or incentive. The City shall grant the concession or incentive requested by the applicant unless the Council makes a written finding, based upon substantial evidence, of any of the following:

a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as affordable to very low, low, or median or moderate income households as required; or

b. The concession or incentive would have a specific adverse impact, as defined by Government Code Section 65589.5(d)(2), upon public health and safety, or the physical environment, or on any real property 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 and moderate income households; or

c. ~~The concession or incentive does not result in identifiable, financially sufficient, and actual cost reductions as identified by the applicant in the incentive request would be contrary to the City State or Federal law.~~

~~5d. The incentives or concessions would not have an adverse effect on coastal resources. The City shall only grant an incentive or concession if the City determines that the development incentive or concession requested by an applicant pursuant to this section will not have any adverse effects on coastal resources. The City may grant one or more of those~~

F. Incentives for "sweat equity" developments. ~~A "sweat equity" development where some or all of the construction labor is provided by purchasers of the housing units, all of whom are lower income households, but where the continuing affordability of the units is not guaranteed for the time period required by Section 17.32.060.D. (Continued Affordability), may be granted incentives as follows:~~

~~1. One incentive" development in compliance with Subsection C.1 may § 18.31.030(D) (Density Bonus Eligibility and Incentives, "Sweat equity" developments) may be granted incentives only as follows:~~

~~a. One incentive will be granted to a development where 100 percent% of the units are provided to low income households; and/or~~

~~2. b. Two incentives in compliance with Subsection C.1 may be granted to a development where 100 percent% of the units are provided to very low income households.~~

(Ord. 930, § 2, passed 06-12-2017)

~~183. Sweat equity projects will be subject to design review in compliance with Section 17.71.050 concurrent with the provision of any City incentive.~~

~~4. In reviewing a proposal for one or more of the above incentives, the City shall consider all feasible alternative incentives and their effects on coastal resources. The City shall only grant one or more of the above incentives if the City determines that the incentive(s) proposed pursuant to this section will not have any adverse effects on coastal resources. The City may grant one or more of those incentives that do not have an adverse effect on coastal resources. If all feasible incentives would have an adverse effect on coastal resources, the City shall not grant any of the incentives.~~

17.31.050 - Density Bonus and Incentive Procedures

A. Permit Processing requirements. ~~A request for a density bonus and other/or incentives shall be evaluated and decided through Use Permit approval granted in compliance with Section 17.71.060 (Use Permits and Minor Use Permits); provided, the decision of the Commission on a Use Permit application shall be a recommendation to the Council, and the density bonus and other incentives shall be approved by the Council. A request for a density bonus and other incentives may also require a Coastal Development Permit.~~

concurrently with the related housing B. Procedures for approval.

1. Required Findings. ~~In addition to the findings required by Section 17.71.060 for the approval of a Use Permit and the findings required by Section 17.71.045 of this Development Code for the approval of a Coastal Development Permit, the approval of a density bonus and other incentives shall require that the review authority first make all of the following additional findings:~~

~~a. The residential development project will be consistent with the General Plan and the certified LCP; and in compliance with Government Code Section 65915.~~

B. Application Procedures. ~~The b. The approved number of dwelling units can be accommodated by existing and planned infrastructure capacities;~~

~~e.~~ Adequate evidence exists to indicate that the proposed residential project applicant shall submit the following to the review authority so that the review authority can determine if the project is eligible for a density bonus and/or incentives:

1. will provide affordable housing in a manner consistent with all standards set forth in A written request specifying how the proposed housing development or senior housing qualifies for a density bonus under Government Code Section 65915;(b);

~~1.~~ In the event that the City does not grant at least one financial concession-2. A written proposal for specific incentives or incentive as defined by State law (concessions under Government Code Section 65915(d);

3.) in addition to the density bonus, additional concessions-A written request for waiver or modification of incentives under Government Code Section 65915(e);

4. are not necessary to ensure A draft affordable housing costs as defined in Health agreement consistent with Subsection (C) of this Section and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c); and

5. A project pro forma.

C. e. ~~There are sufficient provisions to guarantee that the affordable dwelling units will remain affordable for the required time period.~~

~~f.~~ The approved density bonus and other incentives do not have an adverse effect on coastal resources.

~~2.~~ **Calculation of Bonus.** In accordance with Government Code Section 65915 (g), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the LCP. The "otherwise maximum allowable residential density" shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the coastal zoning ordinance and land use plan certified by the Coastal Commission.

~~3.~~ **Bonus shall be consistent with LCP.** Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards. In reviewing a proposed density increase, the City shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The City shall only grant a density increase if the City determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the City determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the City shall not grant the density increase.

~~4.~~ **Granting of Incentives.** In addition to a density bonus, the City shall grant to a housing development that complies with the provisions of Section A. above, one of the incentives or concessions identified in Government Code Section 65915(h), unless the City finds that an incentive or concession is not required in order to provide for affordable housing costs or rents. In reviewing a proposed incentive or concession, the City shall consider all feasible alternative incentives and concessions and their effects on coastal resources. The City shall only grant an incentive or concession if the City determines that the development incentive or concession requested by an applicant pursuant to this section will not have any adverse effects on coastal resources. The City may grant one or more of those incentives or concessions that do not have an adverse effect on coastal resources. If all feasible incentives or concessions would have an adverse effect on coastal resources, the City shall not grant any incentive or concession.

~~5.~~ **Affordable Housing Regulatory Agreement.housing regulatory agreement.** An affordable housing regulatory agreement shall be recorded against the relevant property consistent with the requirements of Government Code Section 65915(c). An applicant requesting a density bonus and/or incentives under this Chapter or under State law shall draft, and agree to enter into, an Affordable Housing Regulatory Agreement with the City ("agreement") affordable housing regulatory agreement with the City ("agreement"). The agreement shall include

~~the contents and provisions as described in Subsection 17.32.080.B and 17.32.080.C085 as applicable. The terms of the draft agreement shall be reviewed and revised as appropriate by the City Manager and/or the City Attorney. Provisions for enforcement of Affordable Housing Regulatory Agreements are established in Subsection 17.32.100.~~

6D. Control of Affordable Unit Resale/affordable unit resale. In order to maintain the availability of the for-sale affordable units constructed in compliance with this Chapter, the resale conditions established in ~~Subsection 17.32.100060(D)~~ shall apply. Any abuse in the resale provisions shall be referred to the City Attorney for appropriate action.

(Ord. 930, § 2, passed 06-12-2017)

18.31.060 - Affordable Housing Regulatory Agreement

A. Affordable housing regulatory agreement. The applicant shall execute and cause to be recorded a density bonus regulatory agreement (“agreement”) between the City and the developer. The agreement shall be executed by the City Manager, and shall be recorded against the property receiving the density bonus.

1. Agreement contents. The agreement shall include at least the following information:

a. Number of dwelling units. The total number of dwelling units approved for the housing development project, including the number of density bonus units;

b. Description and location of units. The location, unit sizes (in square feet), and number of bedrooms of the dwelling units;

c. Use of property. A description of the use of the property stating that the units shall be used to provide housing to qualifying households under the provisions of this Chapter and Government Code Section 65915(f);

d. Description of targeted income group. A description of the household income group to be accommodated by the housing development project, and the standards and methodology for determining the corresponding affordability consistent with this Chapter and State law;

e. Nondiscrimination clause. The clause shall state that there shall be no discrimination against or segregation of any person, or group of persons, on account of race, color, creed, religion, sex, marital status, sexual orientation, national origin or ancestry in the sale, transfer, use, occupancy, or enjoyment of an affordable unit, or any part thereof. Nor shall any developer establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, use, or occupancy of purchasers or occupants of the affordable units, or parts thereof;

f. Length of affordability. Description of the affordability restrictions for the affordable dwelling units in compliance with Government Code Section 65915(c), requiring 15 years of continuing affordability;

g. Description of concessions and/or incentives. A description of the additional concessions and/or incentives sought of the City;

h. Remedies for breach of the agreement. A description of the remedies for breach of the affordable housing regulatory agreement by the owners, developers, and/or successors-in-interest of the development project;

i. Other provisions. Other provisions to ensure successful implementation and compliance with this Chapter.

2. Agreement provisions. The agreement shall include at least the following provisions:

a. Continuing right-of-first-refusal. The developer shall give the City the continuing right-of-first-refusal to purchase any or all of the affordable dwelling units at a sales price for the affordable dwelling unit consistent with the limits established for low, very low, or moderate income households, as published by HUD;

b. Written approval of City required prior to transfer of unit. The deeds to the affordable dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, sell or otherwise transfer any interests for the affordable dwelling units without the prior written approval of the City;

c. Confirmation of price by City. When providing the written approval, the City shall confirm that the sales price of the affordable dwelling unit is consistent with the limits established in § 18.32.060(D)(1);

d. Occupied by eligible households. The City shall have the authority to enter into other agreements with the developer, or purchasers of the affordable dwelling units, to ensure that the required dwelling units are occupied by eligible households for the minimum time of continued affordability as described in Subsection (A)(1)(f) of this Section;

e. Enforcement of compliance. Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance;

f. Failure to comply. Any default or failure to comply may result in daily penalties, liens, foreclosure, specific performance, or withdrawal of the certificates of occupancy;

g. Recovery of all City-related costs. In any action taken to enforce compliance with deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the City's costs of action including legal services;

h. Eligible and qualified residents. The affordable dwelling units shall be owner-occupied by eligible moderate or median income households, or by qualified residents in the case of senior housing;

i. Mandatory contents of instrument or agreement. The initial purchaser of each affordable dwelling unit shall execute an instrument or agreement approved by the City which:

i) Restricts the sale of the unit in compliance with this Chapter during the affordability restriction period. If the unit is sold, the City shall be entitled to receive the amount of the sales price which exceeds the maximum sales price (as defined in § 18.32.060(D)(1)) less reasonable costs of the sale plus the value of substantial structural or permanent fixed improvements;

ii) Contains provisions as the City may require to ensure continued compliance with this Chapter and State law; and

iii) Shall be recorded against the parcel(s) containing the affordable dwelling unit(s); and

j. Affordability restriction period. The applicable affordability restriction period shall be in compliance with Government Code Section 65915(c), requiring 15 years of continuing affordability for for-sale units and 25 years of continuing affordability for rental units.

3. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 et seq., including but not limited to public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas. **Execution of agreement.**

a. Timing of approval and recordation. The approval and recordation of the agreement shall take place at the same time as the final or parcel map or, where a map is not being processed, before issuance of certificates of occupancy for the inclusionary dwelling units.

b. Binding on all parties. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

B. Effect of plan and agreement. After the approval of the density bonus and the recording of an affordable housing regulatory agreement, each affordable housing unit shall be constructed as required, and shall be sold and maintained as an affordable unit, in compliance with the plan and agreement.

(Ord. 930, § 2, passed 06-12-2017)