

# City of Vista

## Guide to Chapter 18.90: Density Bonus Ordinance

This guide is intended to assist potential applicants for a density bonus project under Chapter 18.90 of the Vista Development Code and the State Density Bonus Law (Government Code Sections 65915-65918). Eligible affordable housing projects can receive a density “bonus” above those established by the Vista General Plan, as well as concessions that relax land use requirements such as height and parking.

### I. Purpose

The City of Vista, like many communities in California, is in need of new affordable housing and senior housing. The State of California has adopted a framework of laws to address the housing crisis and increase housing supply, including the density bonus program. Density bonuses and concessions help to encourage and incentivize construction of new affordable housing in Vista by making such development more economically feasible.

### II. How does a Density Bonus work?

With a density bonus, a builder can construct more units than would be normally allowed by the Vista General Plan. For most projects, the increased number of units is set on a sliding scale, based upon the percentage of affordable units at each income level. Other types of projects, like housing for senior citizens, land dedications, or projects that reserve a number of units for college students, foster youth, disabled veterans, or homeless persons – receive a fixed density bonus.

### III. Types of Eligible Projects

Affordable housing projects must fall into one of the following categories to be eligible for a density bonus. Most affordable housing projects must contain 5 or more units to be eligible for a State density bonus, except for senior citizen housing developments which must contain 35 units or more.

- **Affordable Housing Projects.** Affordable housing projects satisfying any of the following receive a density bonus based on a sliding scale. Incentives and concessions are available. See Appendix A through C for reference tables.
  - 5% or more units reserved for **Very Low Income** residents
  - 10% or more units reserved for **Low Income** residents
  - **For-Sale Developments** with 10% or more units reserved for **Moderate Income** residents
  - 100% of the units are reserved for **Very Low, Low, or Moderate Income** residents (with a maximum of 20% moderate Income)
- **Senior Citizen Housing Developments.** Senior citizen housing developments of at least 35 units, including age-restricted **Mobile Home Parks**, receive a fixed density bonus increase of 20% of the number of units provided. Incentives and concessions are not available.
- **Housing for Foster Youth, Disabled Veterans, and Homeless Persons.** Housing with 10% or more units reserved for foster youth, disabled veterans, or homeless persons (with rents restricted at very low income level) receive a fixed density bonus of 20% of the number of units provided. Incentives and concessions are available.
- **Student Housing.** Housing with 20% or more units reserved for low income, full-time college students at an accredited institution receive a fixed density bonus of 35% of the number of units provided. Incentives and concessions are available.
- **Land Dedication/Donation.** Land dedications and donations of at least 1 acre, with the appropriate zoning, permits, and public facilities for housing receive a density bonus based on a sliding scale, up to 35% of the number of units provided. Incentives and concessions are not available. See Appendix D for reference table.

### IV. How do Incentives/Concessions and Waivers work?

**Incentives and Concessions.** In addition to a density bonus, the City is required to grant certain incentives or concessions to eligible projects (with some exceptions). As an incentive or concession for developing affordable housing, the City may relax zoning or development standards which affect what can be built. Exceptions which are not required to receive incentives and concessions include senior citizen housing which provide only market-rate units and no affordable units, and land dedications or donations. The City may deny a request for

incentives and concessions under the following circumstances. The City is responsible for the burden of proof in these findings.

- The incentive or concession is not required in order to provide units at an affordable rent or ownership cost;
- The incentive or concession would have an adverse impact on the public health and safety, or the environment;
- The incentive or concession violates federal or State law.

**Waiver or Reduction of Development Standards.** If any other city development standard would physically prevent the project from being built at the permitted density (i.e. units allowed under the current zoning density, with the addition of density bonus units) and with the granted concessions/incentives, the developer may propose to have those standards waived or reduced. The city is not permitted to apply any development standard which physically precludes the construction of the project at its permitted density and with the granted concessions/incentives.

- The city is not required to waive or reduce development standards that would cause a public health or safety problem, cause an environmental problem, harm historical property, or would be contrary to law.
- The waiver or reduction of a development standard does not count as an incentive or concession, and there is no limit on the number of development standard waivers that may be requested or granted.
- Development standards which have been waived or reduced utilizing this section include setback, lot coverage and open space requirements, and should apply to building height limits as well.

**“Development standard”** includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

## V. Types of Incentives and Concessions

An incentive or concession for an affordable housing project could be any of the following:

- Reduction of **required parking**
- Increase in **building height**
- Reduction of **building setbacks**
- Increase of **Floor Area Ratio** or lot coverage

- Allowance of **mixed-use zoning**
- **Waiver of design standards**

The number of required incentives or concessions is based on the percentage of affordable units in the project:

Number of Concessions	Very Low Income Percentage	Low Income Percentage	Moderate Income Percentage
1	5%	10%	10%
2	10%	17%	20%
3	15%	24%	30%
4	100% Low, Very Low, or Moderate (up to 20% Moderate)		

**Supplemental Density Bonus for Childcare.** Housing projects that provide childcare are eligible for a separate density bonus equal to the size of the childcare facility. A percentage of the childcare spaces must also be made available to low and moderate income residents. The childcare facility must remain operational for the length of the recorded affordability agreements. See Section VI for more information.

**General Rules.** The City of Vista uses the following general rules when calculating available density bonuses and concessions.

- The number of density bonus units available to a project (or additional parcels available to a project) is rounded up if the bonus does not yield a whole number.
- The affordable unit percentage is rounded up if the percentage does not yield a whole number.

## **VI. Regulatory Agreements**

California law requires that the City maintains affordable prices for eligible households living in density bonus units over a period of time. The City also must guarantee that daycare facilities provided in affordable housing projects are maintained and operated for a period of time. These requirements are recorded with any property receiving the density bonus or concession, and are always recorded prior to the City issuing a building permit or approving a subdivision map.

## **VII. Terms and Definitions**

Specialized terms are used in the density bonus program and California law. These terms are defined in the Vista Development Code, Section 18.90.20.

## **VIII. Development Standards**

Affordable units, when practical, shall be dispersed within the housing development. Where feasible, the number of bedrooms of the affordable units should be equivalent to the bedroom mix of the market-rate units, except that the developer may include a higher proportion of affordable units with more bedrooms. Affordable units should be constructed concurrently with market-rate units unless both the City and the developer/applicant establish an alternative schedule in the density bonus housing agreement. The design and appearance of the affordable units shall be compatible with the design of the market-rate units and the overall development. The housing development shall comply with all applicable development standards, except those which may be modified as provided by Chapter 18.90 or through the approval of concessions.

## IX. Appendix A: Very Low Income Units

Percentage of Very Low Income Units	Density Bonus Percentage
5%	20%
6%	22.5%
7%	25%
8%	27.5%
9%	30%
10%	32.5%
11%	35%
12%	38.75%
13%	42.5%
14%	46.25%
15%	50%

## X. Appendix B: Low Income Units

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

## XI. Appendix C: Moderate Income Units

Percentage of Moderate Income Units	Density Bonus Percentage
10%	5%
11%	6%
12%	7%
13%	8%
14%	9%
15%	10%
16%	11%
17%	12%
18%	13%
19%	14%
20%	15%
21%	16%
22%	17%
23%	18%
24%	19%
25%	20%
26%	21%
27%	22%
28%	23%
29%	24%
30%	25%
31%	26%
32%	27%
33%	28%
34%	29%
35%	30%



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

## XII. Appendix D: Land Dedication/Donation Density Bonus

Percentage of Affordable Units	Density Bonus Percentage
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%