ORDINANCE NO. 14-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INGLEWOOD, CALIFORNIA, AFFIRMING EA-ND-2013-39 AND APPROVING ZONING CODE AMENDMENT ZCA 2013-04 TO AMEND ARTICLES 1 AND 18 OF CHAPTER 12 AND ADD ARTICLE 33 TO CHAPTER 12 OF THE INGLEWOOD MUNICIPAL CODE (IMC) TO ESTABLISH A DENSITY BONUS AND OTHER INCENTIVES FOR THE DEVELOPMENT OF AFFORDABLE HOUSING.

(Revisions are underlined. Strike through lines represent deleted text.)

WHEREAS, on August 7, 2013 the Planning Commission conducted a public hearing for this matter and approved Resolution No. 1684 entitled:


WHEREAS, Resolution No. 1684 was presented to the City Council on January 21, 2014 who then scheduled a public hearing for February 11, 2014; and,

WHEREAS, notice of the time and place of the hearing was given as required by law; and,

WHEREAS, the City Council conducted the hearing at the time and place stated in the notice and afforded all persons interested in the matter of the
proposed amendment to the Inglewood Municipal Code, or in any matter or
subject related thereto, an opportunity to appear before the City Council and be
heard and to submit any testimony or evidence in favor or against the proposed
Code amendments; and,

WHEREAS, after taking public testimony and considering the issues, the
City Council determined that certain changes specified herein, should be made
to the text of Chapter 12 of the Inglewood Municipal Code; and,

WHEREAS, the City Council has carefully considered all testimony and
evidence presented in this matter, and being advised finds as follows:

SECTION 1.

1. That the proposed amendment does not conflict with the intent of the
Inglewood General Plan.

2. The changes to the text of Chapter 12 does not constitute an
establishment of unique standards, offering special privilege to a
particular individual or group of individuals.

SECTION 2.

The City Council has carefully considered all testimony and evidence
presented at the hearing and now finds that after preparing an Initial Study in
compliance with the requirements of the California Environmental Quality Act,
which found that there would be no significant environmental impacts created
by the proposed Code Amendment, a Negative Declaration was prepared.
Based on its own independent judgment that the facts stated in the initial study
are true, the City Council hereby finds that there is no substantial evidence
that the Code Amendment will have a significant effect on the environment.

SECTION 3.

Section 12-1.55.1 is hereby added to the text of Chapter 12, Article 1
(Definitions) of the Inglewood Municipal Code to read as follows:
“Incentive” a modification to a City development standard or requirement of Chapter 12 of the Municipal Code.

SECTION 3.

Section 12-1.56 is hereby added to the text of Chapter 12, Article 1 (Definitions) of the Inglewood Municipal Code to read as follows:

“Income, Moderate, Lower, or Very Low” annual income that does not exceed those defined by the California Department of Housing and Community Development (HCD).

SECTION 4.

Section 12-39.2 of Article 18 (Planned Assembly Development) of Chapter 12 of the Inglewood Municipal Code is modified to read as follows:

(4) The Planning Commission may approve a greater density for a planned residential development than the density permitted by the Inglewood General Plan if the proposed design will:

(a) Result in substantially more open space, recreation facilities and additional other residential amenities than the minimum otherwise required for comparable residential projects developed per the zoning standards of this Chapter; or

(b) Provide affordable housing pursuant to Article 33. whereby not less than thirty percent of the additional units exceeding the General Plan density shall be “affordable housing units.” For purposes of this Section, an affordable housing unit shall mean a dwelling unit that conforms to the State of California criteria for an affordable unit in terms of both its cost and its assured maintenance as an affordable unit for a minimum of thirty years, as specified in Chapter 4.3 of Title 7 (Planning and Land Use) of the California Government Code.

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SECTION 8.

Article 33 (Affordable Housing Incentives) is hereby added to the Inglewood Municipal Code to read as follows:

Section 12-128. Objective

A. To establish procedures for the implementation of State Density Bonus Law and to encourage the development of affordable owner-occupied and rental housing, consistent with City policies.

Section 12-129. General Provisions

A. The City will grant one density bonus and other incentives as described in Sections 12-130 and 12-132, respectively, when an applicant agrees to construct a housing development that contains at least any one of the following:

1. Five percent (5%) of the total units for very low-income households
2. Ten percent (10%) of the total units for low-income households
3. A senior citizen housing development; or
4. Ten percent (10%) of the total dwelling units in a common interest development for persons and families of moderate income; provided, that all units in the housing development are offered to the public for purchase.

B. A written request for a density bonus and other incentives shall be made at the time of filing the housing development application and shall be processed as a part of the underlying application. The request shall identify the specific density bonus and incentives requested. Approval of this request shall be processed as a part of the same procedure as the underlying application.

C. The bonus units shall not be included in calculating the percentage of units for subsection A of this section.
D. The City may grant a greater density bonus and additional incentives than that provided for herein for projects that exceed thirty-five percent (35%) affordable, or from providing a lesser density bonus and fewer incentives than that provided for herein, when the housing development does not meet the minimum thresholds.

E. This Article is to be interpreted in conjunction with Government Code Section 65915 et seq. Regulations and terms defined therein shall have the same meaning for this Article.

**Section 12-130. Density Bonus**

A. An applicant shall be entitled to a density bonus as follows:

<table>
<thead>
<tr>
<th>Type of Housing Unit</th>
<th>Amount of Units Required for Bonus</th>
<th>Density Bonus Provided to Developer</th>
<th>Additional Density Bonus that May Be Available to Developer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very low income</td>
<td>5%</td>
<td>20%</td>
<td>2.5% bonus for every 1% above 5% (maximum bonus of 35%)</td>
</tr>
<tr>
<td>Lower income</td>
<td>10%</td>
<td>20%</td>
<td>1.5% bonus for every 1% above 10% (maximum bonus of 35%)</td>
</tr>
<tr>
<td>Senior housing development</td>
<td>Minimum of 35 units</td>
<td>20%</td>
<td>None available</td>
</tr>
<tr>
<td>Moderate income common interest development</td>
<td>10%</td>
<td>5%</td>
<td>1% bonus for every 1% above 10% (maximum bonus of 35%)</td>
</tr>
</tbody>
</table>
B. When an applicant for the conversion of market rate apartments to condominiums provides at least thirty-three percent (33%) of the units to lower or moderate income persons and families or fifteen percent (15%) to lower income households and agrees to pay for the reasonably necessary administrative costs incurred by the City for the life of the affordable housing agreement, the City shall grant a twenty-five percent (25%) density bonus or provide other incentives of equivalent financial value. The converted affordable condominiums will be subject to the same affordability requirements as specified for a new moderate-income common interest development under Section 12-131D and shall be subject to the following:

1. Bonus units must be provided within the existing housing structure(s) proposed to be converted.

2. An applicant for approval of a condominium conversion may submit a proposal to the City, pursuant to this Section, prior to submitting a subdivision application.

C. If an applicant for a tentative subdivision map, parcel map, or other residential development donates land to the City in accordance with GC 65915 et seq., the applicant shall be entitled to a density bonus as follows:

D. If an applicant for a housing development that satisfies one of the criteria of subsection A of this section also proposes to construct a child day care facility and meets the requirements of GC 65915 et seq. for a child day care facility, the applicant shall be entitled to an additional incentive or an increase in the lot size equivalent to the size of the child day care facility, for purposes of calculating the permitted density before any density bonus.

E. All density bonus and restricted unit calculations resulting in fractional units shall be rounded up to the next whole number pursuant to GC 65915 et seq.
F. Affordable units developed in conjunction with a market rate development shall be of equal design and quality as the market rate units. Exteriors and floor plans of the affordable units shall be similar to the market rate units. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the Building Official.

Section 12-131. Affordability

A. An applicant shall enter into an affordable housing agreement to be recorded against the property with the City to ensure continued affordability of all low- and very low-income units that qualified the applicant for the award of the density bonus for at least thirty (30) years.

B. Rents for low- and very low-income density bonus units shall be set at an affordable rent as defined by Section 50053 of the California Health and Safety Code.

C. Owner-occupied units shall be available at an affordable housing cost as defined by Section 50052.5 of the California Health and Safety Code.

D. The initial occupant of a moderate-income unit in a common interest development shall be persons and families of moderate income and the units must be offered at an affordable housing cost. The following provisions shall be required in an equity sharing agreement:

1. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller’s proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation, which amount shall be used within five (5) years for any of the purposes described in Health and Safety Code Section 33334.2 that promote home ownership.

2. The City’s initial subsidy shall be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the
moAerate-income household, plus the amount of any down payment
assistance or mortgage assistance. If the market value is lower than the
initial market value upon resale, then the value at the time of resale
shall be used as the initial market value.

3. The City's proportionate share of appreciation shall be equal to the ratio
of the City's initial subsidy to the fair market value of the home at the
time of initial sale.

Section 12-132. Other Incentives

A. The application shall be eligible for incentives, i.e. development standard
reductions or waivers, based on the affordability level and share of
affordable units as follows:

<table>
<thead>
<tr>
<th>Affordability Level</th>
<th>1 Incentive</th>
<th>2 Incentives</th>
<th>3 Incentives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very low-income</td>
<td>5% of units</td>
<td>10%</td>
<td>15%</td>
</tr>
<tr>
<td>Low-income</td>
<td>10%</td>
<td>20%</td>
<td>30%</td>
</tr>
<tr>
<td>Moderate income common interest development</td>
<td>10%</td>
<td>20%</td>
<td>30%</td>
</tr>
<tr>
<td>One of above plus child care facility</td>
<td>One additional incentive (Section 12-130D)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

B. An applicant may choose from the following menu of incentives and may
choose the same incentive more than once if eligible for multiple incentives,
subject to the maximums specified below:

1. Increase allowable height by five percent (5%) with a maximum fifteen
percent (15%) increase allowed and no restriction on number of stories.
2. Reduce required private open space area to sixty (60) square feet per
unit.
3. Reduce required side yard setback by ten percent (10%) with a maximum thirty percent (30%) decrease allowed (minimum three-foot (3') side yard required or other minimum specified by zone).

4. Reduce required rear yard setback by 10% with a maximum thirty percent (30%) decrease allowed (minimum five-foot (5') rear yard required).

5. Allow ancillary mixed-use zoning on a residentially zoned site (commercial must be compatible with surroundings)

6. Allow tandem parking for parking spaces assigned to specific dwelling units.

7. Reduce parking requirement.

8. Other incentives specified by Government Code 65915 et seq.

9. Other incentives proposed by the developer or the City that result in identifiable, financially sufficient, and actual cost reductions.

C. The City shall grant the incentives requested unless the City makes a written finding, based on substantial evidence, that:

1. The incentive is not required in order to provide for affordable housing costs or for rents for the affordable units.

2. The incentive would have a specific adverse impact upon public health and safety or the physical environment 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 specific adverse impact without rendering the development unaffordable to lower- and moderate-income households.

3. The incentive would be contrary to state or federal law.

SECTION 9.

The City Clerk shall certify to the passage and adoption of this ordinance and to its approval by the City Council and shall cause the same to be published.
in accordance with the City Charter and thirty days from the final passage and adoption, this ordinance shall be in full force and effect.

This ordinance to amend Chapter 12 of the IMC, to establish a density bonus and other incentives for affordable housing, is passed, approved and adopted by the City Council of the City of Inglewood this 25th day of February 2014.

JAMES T. BUTTS, JR.

JAMES T. BUTTS
MAYOR OF THE CITY OF INGLEWOOD, CALIFORNIA

Attest:

YVONNE HORTON

YVONNE HORTON
CITY CLERK
(SEAL)