

ORDINANCE NO. 1575

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE LAND USE CODE TO UPDATE AFFORDABLE HOUSING ZONING

WHEREAS, the City of Arcata's General Plan adopted July 17, 2024, balances social justice, racial equity, community growth, development, resource protection, public services, circulation and mobility, housing access and affordability, economic development and job growth, capital infrastructure investment, climate adaptation, and quality of life in the City; and

WHEREAS, the City of Arcata's 2019 - 2027 Housing Element adopted December 18, 2019, and subsequently found in compliance with housing element law on January 28, 2020, by the California Department of Housing and Community Development, provides that the City will provide incentives for affordable and infill housing (policies HE-13 and HE-18), prioritize low-income households (policy HE-20), encourage density bonuses to incorporate affordable housing (policy HE-22), and evaluate inclusionary zoning (implementation measure 20); and

WHEREAS, Sections 65915 et seq. of the California Government Code, known as State Density Bonus Law, require the City of Arcata to provide a developer a density bonus and other incentives when they propose a housing development with affordable and other types of housing; and

WHEREAS, California Government Code Section 65915(a) requires that all jurisdictions within the state adopt an ordinance that specifies how compliance with State Density Bonus Law will be implemented; and

WHEREAS, since adoption of the City of Arcata's Land Use Code, the State Legislature has passed, and the Governor has signed numerous changes to State Density Bonus Law and other housing laws; and

WHEREAS, the City of Arcata Planning Commission has reviewed the proposed amendments to the Land Use Code and recommends the City of Arcata City Council find and adopt the proposed amendments as being consistent with goals and policies of the City of Arcata's General Plan 2045 and Housing Element; and

WHEREAS, the City of Arcata Planning Commission recommends the City of Arcata City Council finds the proposed amendments to the Land Use Code be adopted pursuant to the City's police power authority to protect the public health, safety, and welfare; and

WHEREAS, the Planning Commission has held at least one duly noticed public

hearing; considered deliberations, public comment; and has considered the whole of the public discourse and the record prior to making this recommendation; and

WHEREAS, Planning Commission Resolution No. PC-25-01 adopted on January 28, 2025, contains the Planning Commission's recommendation for adoption of the Land Use Code text amendments to incentivize affordable housing;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCATA DOES ORDAIN AS FOLLOWS:

Section 1. Factual Findings. The City Council of the City of Arcata hereby makes the following findings:

1. The City Council committed to affordable housing in its General Plan 2045 and state certified 2019 Housing Element; and
2. State Density Bonus Law and inclusionary zoning will provide options for the production and longevity for affordable housing;

Section 2. Zoning Text Amendments. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Chapters 9.31, 9.84, and 9.100, as shown in Attachment A using bold, double-underline for text additions and bold strikeout for text deletions. Subsections that remain unchanged are not shown and are indicated by three consecutive asterisks (* * *).

Section 3. Zoning Text Amendments. Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Chapter 9.32, as shown in Attachment B are all new text.

Section 4. Findings of Approval. Based upon the whole record, information received in public hearings, and the Arcata Planning Commission Resolution No. PC-25-01, dated January 28, 2025, the following findings of approval are hereby adopted pursuant to Land Use Code Section 9.92.050.B, *Zoning Map and Land Use Code Amendment Findings*, and California Government Code, Section 65860:

1. The proposed amendments are consistent with the General Plan.

The proposed Land Use Code text amendments update state density bonus law and adds inclusionary zoning requirements. The City of Arcata's 2019 - 2027 Housing Element adopted December 18, 2019, and subsequently found in compliance with housing element law on January 28, 2020, by the California Department of Housing and Community Development, provides that the City will provide incentives for affordable and infill housing (policies HE-13 and HE-18), prioritize low-income households (policy HE-

20), encourage density bonuses to incorporate affordable housing (policy HE-22), and evaluate inclusionary zoning (implementation measure 20).

These density bonus and affordable housing requirements text amendments promote, encourage and facilitate affordable housing consistent with Housing Element 2019 – 2027 and General Plan 2045 goals and policies.

2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

The proposed density bonus text amendments are required by California Government Code section 65915 et seq. The State Law mandates the City approve density bonuses and other incentives unless there are specific and identifiable public safety findings. The City of Arcata City Council finds the proposed density bonus and inclusionary zoning are important zoning standards to ensure affordable housing opportunities for all community members, regardless of socioeconomic factors. The text amendments support our community's public interest for development of additional housing, and specifically affordable housing for seniors, educators, essential service providers, students, etc. are supported by City policy outlined in the General Plan 2045. Review and approval of affordable housing incentives ensure public health and safety conditions are met. Based on the above, the City of Arcata City Council finds the proposed Land Use Code amendments will not be detrimental to the public interest, health, safety, convenience or welfare of the City.

Section 5. California Environmental Quality Act Determination:

1. The City Council certified the Environmental Impact Report (SCH# 2022020107) and adopted a Statement of Overriding Considerations pursuant to California Environmental Quality Act Guidelines Sections 15090-15093 on July 17, 2024, by Resolution No. 234-47 for General Plan 2045.
2. On December 18, 2019, the City Council adopted an addendum to the California Environmental Quality Act Negative Declaration (ND) (SCH#2014032042) prepared for the 2014-2019 Housing Element for the Adoption of the City of Arcata Housing Element 6th Cycle 2019-2027 Update, and the Notice of Exemption based on the common sense exemption, section 15061(b)(3).
3. The City Council finds this Ordinance is exempt from the provisions of the California Environmental Quality Act Guidelines pursuant to

section 15061(b)(3) (the common sense exemption) because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment, in that the ordinance merely implements the provisions of state law and similar housing incentives that will not result in a direct or indirect impact on the physical environment.

Section 6. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have adopted the ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 7. Limitation of Actions. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within thirty (30) days of the date of adoption of this ordinance.

Section 8. Effective Date. This ordinance shall become effective thirty (30) days from and after its final passage, provided it is published pursuant to Government Code section 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

DATED: April 16, 2025

ATTEST:

/s/Rhea Varley
Rhea Varley
City Clerk, City of Arcata

APPROVED:

/s/Alexandra Stillman
Alexandra Stillman
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1575**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 16th day of April, 2025, by the following vote:

AYES: **STILLMAN, ATKINS-SALAZAR, MATTHEWS, SCHAEFER**

NOES: **NONE**

ABSENT: **WHITE**

ABSTENTIONS: **NONE**

/s/Rhea Varley
Rhea Varley
City Clerk, City of Arcata

Chapter 9.31

Density Bonuses

Sections:

- 9.31.010 Purpose
- 9.31.020 Eligibility for Bonus, Incentives or Concessions
- 9.31.030 Allowed Density Bonuses
- 9.31.040 Allowed Incentives or Concessions
- 9.31.050 Bonus and Incentives for Housing with Childcare Facilities
- 9.31.060 Continued Availability
- 9.31.070 Location and Type of Designated Units
- 9.31.080 Processing of Bonus Requests
- 9.31.090 Control of Resale
- 9.31.100 Judicial Relief, Waiver of Standards

9.31.010 Purpose

~~As required by Government Code Section 65915, this Chapter offers density bonuses, and incentives or concessions for the development of housing that is affordable to the types of households and qualifying residents identified in Section 9.31.020.~~ This Chapter is intended to implement the requirements of State Density Bonus Law under provisions of Government Code Section 65915, et seq., and the Housing Element of the City's General Plan to assist with the development of housing above the maximum allowable residential density. If any portion of this chapter conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this chapter. Any ambiguities in this chapter shall be interpreted to be consistent with State Density Bonus Law. Statutory references in this chapter include successor provisions.

9.31.020 Eligibility for Density Bonus, Incentives or Concessions

In order to be eligible for a density bonus and other incentives or concessions as provided by this Chapter, a proposed housing development shall comply with the following requirements set forth in State law and satisfy all other applicable provisions of this Land Use Code, except as provided by Section 9.31.040 (Allowed Incentives or Concessions), and is not ineligible pursuant to Government Code Section 65915(c)(3).

A. Resident requirements. The housing development shall be designed and constructed so that:

1. At least 10 percent of the total number of proposed units are for lower income households, as defined in Health and Safety Code Section 50079.5; or
2. At least five percent of the total number of proposed units are for very low income households, as defined in Health and Safety Code Section 50105; or
- 3. The project is a senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code. For purposes of this subparagraph, "development" includes a shared housing building development; or**

4. Ten percent of the total dwelling units of a housing development are sold to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase; or
5. Ten percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Section 11301 et seq.). The units described in this subparagraph are subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units; or
6. Twenty percent of the total units for lower income students in a student housing development that meets the requirements of Government Code Section 56915(b)(F) et seq.; or
7. One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code. For purposes of this subparagraph, "development" includes a shared housing building development.
3. At least 10 percent of the total dwelling units in a condominium project as defined in Civil Code Section 1351(f), or in a planned development as defined in Civil Code Section 1351(k), for persons and families of moderate income, as defined in Health and Safety Code Section 50093; or
4. The project is a senior citizen housing development as defined by Civil Code Sections 51.3 and 51.12.

~~A density bonus granted in compliance with Section 9.31.030 shall not be included when determining the number of housing units that is equal to the percentages required above.~~

- B. Minimum project size to qualify for density bonus. The density bonus provided by this Chapter shall be available only to a housing development of five or more dwelling units, the characteristics of which shall comply with Government Code Section 65915(i).
- C. Condominium conversion projects. A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements in Government Code Section 65915.5.
- ~~D. Minimum Density. The project must develop housing units over the maximum density otherwise allowed by the applicable General Plan designation and zoning district.~~

9.31.030 Allowed Density Bonuses

- A. The amount of a density bonus allowed with a housing development shall be determined by the City in compliance with Government Code Section 65915(f) through (h), inclusive—this Section.

~~A. Density bonus. A housing project that complies with the eligibility requirements in Subsections 9.31.020.A.1, A.2, or A.3 shall be entitled to density bonuses as follows, unless a lesser percentage is elected by the applicant.~~

- ~~1. General density bonus. The City shall grant at least a 20 percent increase in the number of dwelling units normally allowed by the applicable General Plan designation and zoning, except that:~~
 - ~~a. For each one percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35 percent; and~~
 - ~~b. For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by 2.5 percent, up to a maximum of 35 percent.~~
- ~~2. Bonus for condominium or planned development project. A density bonus for a condominium project that complies with the eligibility requirements in Subsection 9.31.020.C shall consist of at least a five percent increase in the number of dwelling units normally allowed by the applicable General Plan designation and zoning district, except that for each one percent increase above 10 percent of the percentage of units affordable to moderate income households, the density bonus shall be increased by one percent up to a maximum of 35 percent.~~
- ~~3. Density bonus for land donation. When an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with this Subsection, the applicant shall be entitled a density bonus for the entire development, only if the project proposes to develop housing units over the maximum density otherwise allowed by the applicable General Plan designation and zoning district, as follows; provided that nothing in this Subsection shall be construed to affect the authority of the City to require a developer to donate land as a condition of development.~~
 - ~~a. Basic bonus. The applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable General Plan designation and zoning.~~
 - ~~b. Additional bonus. For each one percent increase above the minimum 10 percent land donation described in Subsection 9.31.030.c.(2), the density bonus shall be increased by one percent, up to a maximum of 35 percent. This increase shall be in addition to any increase in density required by Subsections 9.31.030.A.1 and 9.31.030.A.2, up to a maximum combined mandated density increase of 35 percent.~~
 - ~~c. Eligibility for bonus. An applicant shall be eligible for the increased density bonus provided by this Subsection if all of the following conditions are met.~~
 - ~~(1) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.~~
 - ~~(2) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low~~

~~income households in an amount not less than 10 percent of the number of residential units of the proposed development.~~

(3) ~~The transferred land is at least one acre, or of sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the local government may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(l) if the design is not reviewed by the City prior to the time of transfer.~~

(4) ~~The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 9.31.070 (Continued Availability), which shall be recorded on the property at the time of dedication.~~

(5) ~~The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer.~~

(6) ~~The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one quarter mile of the boundary of the proposed development.~~

B. Greater or lesser bonuses. The City Council may choose to grant a density bonus greater than provided by this Section for a development that meets the requirements of this Section or grant a proportionately lower density bonus than required by this Section for a development that does not comply with the requirements of this Section. A density bonus that comports with this Section shall otherwise be granted by the review authority overseeing the project approval.

C. Density bonus calculations. The calculation of a density bonus in compliance with this Subsection that results in fractional units shall be rounded up to the next whole number, as required by State law. ~~For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels.~~

D. Requirements for amendments or discretionary approval. The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, Local Coastal Plan amendment, zoning change, or other discretionary approval.

~~E. Location of bonus units. The developer may locate density bonus units in geographic areas of the housing development other than the areas where the units for the lower income households are located.~~

9.31.040 Allowed Incentives or Concessions

A. Applicant request and City approval. An applicant may submit to the City a proposal for the specific incentives or concessions listed in Subsection 9.31.040.C. that the applicant requests in

compliance with this Section, ~~and may request a meeting with the Director~~. The **Council Review Authority** shall grant an incentive or concession request that complies with this Section unless the Council makes either of the following findings in writing, based upon substantial evidence:

1. ~~The incentive or concession is not required to provide for affordable housing costs. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of Government Code Section 65915, 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 specified in Section 9.31.020; or
2. The incentive or concession would have a specific adverse impact, as defined in 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.

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

B. Number of incentives. The applicant shall receive the following number of incentives or concessions ~~consistent with Government Code Section 65915(d)(2) as may be amended from time to time~~.

1. One incentive or concession for a project that includes at least 10 percent of the total units for lower income households, at least five percent for very low-income households, or at least 10 percent for persons and families of moderate income in a ~~development in which the units are for sale condominium or planned development, or at least 20 percent of the units for lower income students in a student housing development~~.
2. Two incentives or concessions for a project that includes at least ~~2017~~ percent of the total units for lower income households, at least 10 percent for very low-income households, or at least 20 percent for persons and families of moderate income in a ~~development in which the units are for sale condominium or planned development~~.
3. Three incentives or concessions for a project that includes at least ~~3024~~ percent of the total units for lower income households, at least 15 percent for very low-income households, or at least 30 percent for persons and families of moderate income in a ~~development in which the units are for sale condominium or planned development~~.
4. **Four incentives or concessions for projects that include at least 16 percent of the units for very low income households or at least 45 percent for persons and families of moderate income in a development in which the units are for sale.**
5. **Five incentives or concessions for a project meeting the criteria of Government Code Section 65915(b)(1)(G). If the project is located within one-half mile of a major transit stop or is located in a very low vehicle travel area in a designated county, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.**

C. Type of incentives. The City may, at its sole discretion, grant a density bonus exceeding the state minimum requirements where the applicant agrees to construct a greater number of affordable housing units than required pursuant to Section 9.31.020 and necessary to qualify for

the density bonus under this section. If such additional density bonus is granted by the City and accepted by the applicant, the additional density bonus shall be considered an additional concession or incentive for purposes of Section 65915. For purposes of this Section, a concession or incentive shall mean any reduction in site development standards or any modification of zoning or architectural design requirements necessary pursuant to California Government Code Sections 65915(d)(3) or and 65915(e) to facilitate the construction of the residential development project at the densities provided for in Section 65915. ~~Concessions or incentives shall also include, but not be limited to, the following categories:~~

- ~~1. Concessions Not Requiring Financial Pro Forma from Applicant. The following concessions and incentives shall be available to the applicant without any requirement that the applicant demonstrate to the City that the requested concession or incentive results in identifiable, financially sufficient, and actual cost reductions to the project pursuant to California Government Code Section 65915(l):~~

 - ~~a. Parking Concessions. The following maximum parking standards, inclusive of handicapped and guest parking, shall apply to the entire project: 0-1 bedroom dwelling unit: 1 onsite parking space; 2-3 bedroom dwelling unit: 2 onsite parking spaces; 4 or more bedroom dwelling unit: 2.5 parking spaces;~~
 - ~~b. Approval of mixed-use (housing and non-residential) development on a site designated for non-residential development by its zoning or General Plan land use designation provided that the residential dwelling units are on the upper floors or rear of commercially or industrially zoned properties where uninterrupted commercial or industrial uses are maintained at the street level and any residential units shall not be more than 25% of the first floor area.~~
 - ~~c. Approval of the Density Bonus Standard as outlined in Section 9.24.050.~~
- ~~2. Concessions Requiring Financial Pro Forma from Applicant. The following concessions and incentives, when requested by the applicant, shall require the applicant to demonstrate to and receive approval from the City Council that the requested concession or incentive results in identifiable, financially sufficient, and actual cost reductions to the project pursuant to California Government Code Section 65915(l):~~

 - ~~a. A reduction of the standards beyond the incentives outlined in Section 9.24.050.~~
 - ~~b. A reduction of the energy efficiency and conservation measures as outlined in Policy RC-8b of the General Plan;~~
 - ~~c. Reduction in the minimum requirements of any of the following: private space; landscape requirements, including for parking lots; and architectural design requirements that exceed the minimum building standards established by local or state building code standards.~~
 - ~~d. Reduction in the parking space dimensions, driveway width, parking aisle width, garage and carport dimensions; number of tandem parking spaces; and reduced bicycle parking requirements.~~
 - ~~e. Modification of the criteria utilized to calculate the net area used for calculating density.~~

~~f. Any other reduction or waiver in site development standards or modification of zoning or architectural design requirements necessary pursuant to California Government Code Sections 65915(d)(3) or 65915(e), or any other proposed concession or incentive not identified in Section 9.31.040.~~

D. The City shall not apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria in 9.31.040.B at the densities or with the concessions or incentives permitted by this section. An applicant may submit a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of 9.31.040.B at the densities or with the concessions or incentives permitted under this section. Notwithstanding, the City may reject portions of the proposal that would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; that would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or that would be contrary to state or federal law.

DE. Effect of incentive or concession. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.

9.31.060050 Bonus and Incentives for Housing with Child-Care Facilities

A housing development that complies with the resident and project size requirements of Section 9.32.020, and also includes as part of that development a licensed 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 child care childcare facility in compliance with this Section either of the following:

1. 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 childcare facility; or
2. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care childcare facility.

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

1. The child care 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 in compliance with Section 9.31.070060 (Continued Availability); and
2. Of the children who attend the child care 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 in compliance with Section 9.31.020.

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

9.31.070060 Continued Availability

A. Duration of affordability. The applicant shall agree to, and the City shall ensure the continued availability of the units that qualified the housing development for a density bonus and other incentives and concessions pursuant to Government Code Section 65915 through 65917.2, inclusive, as follows.

- ~~1. Lower income units. The continued availability of lower income units shall be maintained for 30 years, or a longer time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.~~
- ~~2. Low and moderate income units. Development with public funding. A housing development that receives a direct financial contribution as an additional incentive through participation in the cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, shall maintain the availability of low and moderate-income units for a minimum of 30 years, as required by Government Code Section 65916.~~
- ~~3. Moderate income units in condominium. The continued availability of moderate income units in a condominium project shall be maintained for a minimum of 10 years.~~

B. Rent cost requirements. The rents charged for the housing units in the development that qualify the project for a density bonus and other incentives and concessions, shall comply with Government Code Section 65915(c)(1)(B), not exceed the following amounts during the period of continued availability required by this Section:

- ~~1. Lower income units. 30 percent of 65 percent of the area median income, for units targeted for lower income households, as defined in Health and Safety Code Section 50079.5; and~~
- ~~2. Very low income units. 30 percent of 50 percent of the area median income, for units targeted for very low income households, as defined in Health and Safety Code Section 50105.~~

C. Occupancy and resale of moderate-income ~~condominium or PD for sale~~ units. An applicant shall agree to enter an Affordable Housing Regulatory Agreement with conditions complying with Government Code Section 65915(c)(2), and the City shall ensure that the initial occupant of moderate income units that are directly related to the receipt of the density bonus in a condominium project or planned unit development, be persons and families of moderate income, as defined in Health and Safety Code Section 50093.

- ~~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.~~
- ~~2. The City shall recapture its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership. For purposes of this Section,~~

~~the City's proportionate share of appreciation shall be equal to the percentage by which the initial sale price to the moderate income household was less than the fair market value of the home at the time of initial sale.~~

9.31.080070 Location and Type of Designated Units

The location, timing of construction, unit size, unit type, exterior appearance and development standards shall be as required by Section 9.32.40 of this Code. ~~The Term of Affordability for Rental Inclusionary Units shall be as required in Section 9.32.080 of this Code. The Term of Affordability and Resale of For-sale Units shall be as required in Section 9.32.090 of this Code.~~

9.31.090080 Processing of Bonus Requests

Requests for a density bonus and other incentives shall be evaluated and decided as required by Section 9.32.~~110090~~ (Administration of Inclusionary Units) of this Code. In addition, an application for a density bonus, incentive, concession, waiver, or modification, ~~or revised parking standard~~ pursuant to this Section shall be submitted in conjunction with the project application and shall be processed concurrently with all other applications required for the project in the manner provided for in the City's code. ~~The administrative fee shall be set by resolution, cost of reviewing any required pro forma data submitted as part of the application in support of a request for a concession or incentive, including but not limited to the cost to the City of hiring a consultant to review said pro forma, shall be borne by the applicant.~~ The application shall be submitted on a form provided by the City and shall include, at a minimum, the following information:

- A. A site plan showing the total number of units, the number and location of the units dedicated pursuant to California Government Code Section 65915(b), and the number and location of the proposed density bonus units;
- B. The level of affordability of the dedicated units;
- C. A description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards. If the applicant is requesting concessions or incentives identified in Subsection 9.31.040.C.2, the application shall also include pro forma reasonable information demonstrating to the City that the requested concession or incentive results in an identifiable, financially sufficient, and actual cost reduction. Where the applicant is requesting the modification or waiver of a development standard or a zoning or architectural design requirement, the applicant shall submit evidence demonstrating that the application of the subject standard or requirement would preclude construction of the project at the densities provided for in California Government Code Section 65915 and that the waiver or modification is necessary to make development of the project financially feasible.
- D. If a density bonus is requested for a land donation pursuant to California Government Code Section 65915(h), the application shall show the location of the land to be dedicated and provide evidence that the requirements of Section 65915(h) have been met, thus entitling the project to the requested density bonus.
- E. If a density bonus is requested for construction of a child care childcare facility pursuant to California Government Code Section 65915(l), the application shall show the location and square footage of the proposed facility and provide evidence that the requirements of Section 65915(l) have been met, thus entitling the project to the requested density bonus.

9.31.100090 Control of Resale

In order to maintain the availability of for-sale affordable housing units constructed in compliance with this Chapter, the requirements of Subsections 9.32.090.B and **Section-9.32.090.C** shall apply.

9.31.110100 Judicial Relief, Waiver of Standards

A. Judicial relief. The applicant may initiate judicial proceedings if the City refuses to grant a requested density bonus, incentive, or concession.

B. Waiver of standards preventing the use of bonuses, incentives, or concessions.

1. As required by Government Code Section 65915(e), the City will not apply a development standard that will have the effect of precluding the construction of a development meeting the criteria of Subsection 9.31.020.A at the densities or with the concessions or incentives permitted by this Chapter.

2. An applicant may submit to the City a proposal for the waiver or reduction of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum lot size, side yard setbacks, and placement of public works improvements.

3. The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.

C. City exemption. Notwithstanding the provisions of Subsections 9.31.110100.A and **9.31.100.B**, nothing in this Section shall be interpreted to require the City to:

1. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction, would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or

2. Grant a density bonus, incentive or concession, or waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

9.100.020 Definitions of Specialized Terms and Phrases

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Affordable and Inclusionary Housing. The following terms and phrases are defined for the purposes of Chapter 9.31 and 9.32:

* * *

2. **Affordable Rent (Multi-Family Residential Projects).** "Affordable Rent" means:

a. Rents calculated annually by either the United States Department of Housing and Urban Development ("HUD") or the California Tax Credit Allocation Committee, depending on project funding source, and are:

a. The lesser of the Fair Market Rents or a rent that does not exceed thirty percent (30%) of sixty percent (60%) of the area median income ("Low Income Rents"); or

~~b. Thirty percent (30%) of fifty percent (50%) of the area median income ("Very Low Rents").~~

b. Moderate-income rent shall be the 80% Income Level for Humboldt County, adjusted for household size without a utility allowance, as shown on the Maximum Multi-Family Tax Subsidy (MTSP) Rents, published annually by the California Tax Credit Allocation Committee.

c. Other rent levels that may be established by the City Council for a specific project or program.

3. **Affordable Unit.** A dwelling unit that is required to be rented at affordable rents or purchased at an affordable sales price to ~~specified income qualifying~~ households.

* * *

10. Housing Trust Fund. The fund created by the City ~~as per Implementation Measure HE-27 of the City's Housing Element~~ to retain funds collected in a segregated account specifically to assist with the development of affordable housing.

11. Affordable Housing Regulatory Agreement, or Agreement. The agreement described in Section 9.32.~~110090~~ between a developer and the City setting forth the manner in which required inclusionary, Density Bonus, or other affordable units will be provided in a proposed residential project.

12. Inclusionary Affordable Housing Plan. The plan described in Section 9.32.~~110090~~ setting forth the manner in which required inclusionary or other affordable units will be implemented in a residential project.

* * *

14. Inclusionary Unit. An ownership or rental dwelling unit developed as a part of an affordable housing project in compliance with Section 9.32 this Chapter.

* * *

16. Legislative Entitlement. Includes General Plan and Land Use Code designations and redesignations, zonings and rezoning, planned ~~unit~~ developments ("PUD"); ~~conditional~~ use permits, variances; and amendments thereto.

* * *

24. **Primary Residence. The residential unit occupied by the household for the majority of the year.**

2425. Subsidize. To assist by payment of a sum of money or by the granting of terms or favors that reduces the need for monetary expenditures. Housing subsidies may take the forms of mortgage interest deductions or tax credits from federal and/or state income taxes, sale or lease at less than market value of land to be used for the construction of housing, payments to supplement a minimum affordable rent, and the like.

2526. Substantial Rehabilitation. The repair, preservation, and/or the improvement of a housing unit where the cost as determined by the Building Official exceeds 50% of the after rehabilitation assessed value of the structure.

27. Very Low-Income Household. A household with an annual income no greater than 50 percent of the area median family income adjusted by household size as defined in Health and Safety Code Section 50105. Median family income shall be determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

* * *

Section 9.84.040 Condominium Conversion

* * *

D. Inclusionary housing requirement. The conversion of units shall comply with the inclusionary housing requirements in **Chapter Section 9.32.030-A.2.**

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CHAPTER 9.32 – INCLUSIONARY ZONING

Sections:

- 9.32.010 - Purpose and Intent
- 9.32.020 - Applicability
- 9.32.030 - Inclusionary Unit Requirement
- 9.32.040 - Alternatives to Inclusionary Units
- 9.32.050 - Exempt Residential Project
- 9.32.060 - Standards for Inclusionary Units
- 9.32.070 - Concessions and Incentives
- 9.32.080 - Term of Affordability for Rental Inclusionary Units - Rent Costs
- 9.32.090 - Term of Affordability and Resale of For-Sale Units
- 9.32.100 - Income, Occupancy, Insurance, and Maintenance Requirement
- 9.32.110 - Administration of Inclusionary Units
- 9.32.120 - Administrative Fees
- 9.32.130 - Enforcement and Penalties

9.32.010 - Purpose and Intent

The requirements of this Chapter are intended to:

- A.** Assist in achieving the City's goals for adequate affordable housing by requiring residential projects to include a minimum percentage of housing units affordable to households of very-low, low, or moderate income; to provide for a program of incentives and public subsidy to assist in this effort; and to implement the mixed income policies of the Housing Element of the City's General Plan.
- B.** Establish standards and procedures to require the development of housing that is affordable for a range of households with varying income levels for higher density projects.

9.32.020 - Applicability

The requirements of this chapter apply to all newly constructed housing units within the City of Arcata. At least thirteen percent (13%) of all newly constructed housing units in a residential project shall be developed for, offered to, and sold or rented to very low-, low-, and moderate-income households at an affordable housing cost, pursuant to Section 9.32.030.

9.32.030 - Inclusionary Unit Requirement

- A. Number and affordability of inclusionary units.** Each new residential project shall be designed and constructed to include inclusionary units to be rented, leased, or sold to very-low-, low-, or moderate-income households. As used in this section, residential projects shall include projects with any combination of allowed uses that includes a multi-family housing component.
 - 1. Inclusionary unit – household income.** All new residential projects subject

to this Chapter shall provide the following inclusionary units unless the Review Authority approves alternative to inclusionary units pursuant to Section 9.32.040.

- a. Three percent (3%) of the affordable units required to be constructed in connection with the construction of market rate units intended for owner occupancy or construction of rental market rate units shall be available to very-low-income household as defined in Health and Safety Code Section 50105; or
- b. Six percent (6%) of the affordable units required to be constructed in connection with the construction of market rate units intended for owner occupancy or construction of rental market rate units shall be available to low-income households as defined in Health and Safety Code Section 50079.5; and
- c. In addition to either subsection (a) or (b) above, an additional ten percent (10%) of the newly constructed units required to be constructed in connection with the construction of market rate units intended for owner occupancy or construction of rental market rate units shall be available to moderate-income households as defined in Health and Safety Code Section 50093.

9.32.040 - Alternatives to Inclusionary Units. If inclusionary unit requirements are infeasible, the requirements of this chapter may be satisfied by an alternative. The project applicant shall submit an alternative proposal to the Review Authority demonstrating how the alternative will further affordable housing opportunities in the City to an equal or greater extent than compliance with the requirements of Section 9.32.030 by provision of one of the following:

A. Senior or Disabled Housing. In the event that on site inclusionary housing is infeasible, upon application of the developer and at the discretion of the Review Authority the developer may satisfy the requirements of providing inclusionary units in whole or in part by construction of the equivalent number of housing units reserved for qualifying senior citizens households as defined by Government Code Section 65915(b)(1)(C), or for qualifying disabled households as defined by Government Code Section 12926.

9.32.050 - Exempt Residential Project.

A. The following types of residential projects are exempt from this Chapter and have no obligation to provide inclusionary housing units.

1. Housing units produced as a State density bonus.
2. Residential projects proposed to contain sixty (60) or fewer residential housing units at one development location.
3. Rehabilitation of existing housing units.

4. Replacement of housing units destroyed by natural disaster or accidental loss.

9.32.060 - Standards for Inclusionary Units

- A. Location of inclusionary units.** Inclusionary units shall be constructed on the same site as the market rate units in the project. The Affordable Housing Plan shall provide for the dispersal of buildings containing inclusionary units to the maximum extent feasible, taking into account the funding and financing environments applicable to inclusionary housing development. The Director may allow for variation from these principles, but only to the extent necessary, if the Director determines that an alternative configuration of inclusionary units is required by funding or financing considerations associated with the development of the inclusionary units or by the applicable residential land use designations within and adjacent to the residential project.
- B. Timing of construction.** The Affordable Housing Plan and Affordable Housing Regulatory Agreement required by Section 9.32.110 shall include a phasing plan that provides for the timely construction of the inclusionary housing units as the project is completed. The phasing plan shall provide for development of the inclusionary units concurrently with the market rate units; provided that the phasing plan may be adjusted by the Director away from strict concurrence where necessary to account for changes in financing and funding environments, economies of scale, and infrastructure needs applicable to development of the market rate and the inclusionary units.
- C. Unit types.** The housing unit size, bedroom mix, and amenities for inclusionary units shall be proportional to the market rate units in the project.
- D. Exterior appearance.** Inclusionary units shall be visually comparable with the market rate units. External building materials and finishes shall be the same type and quality for inclusionary units as for market rate units. Interior materials finishes may vary in compliance with Section 9.32.070.A.2. No reduction in insulation, windows, heating systems, and other improvements relating to energy efficiency or safety of the inclusionary units is allowed.
- E. Development standards.** Except as provided in the Affordable Housing Regulatory Agreement in compliance with Subsections 9.32.070, inclusionary units shall comply with all applicable development standards of this Land Use Code.
- F. Rounding.** The calculation of the inclusionary units in compliance with this Subsection that results in fractional units shall be rounded up to the next whole number. For the purposes of calculating a bonus, the residential units do not have to be based upon individual subdivision maps or parcels.

9.32.070 - Concessions and Incentives

The developer of a residential project subject to the requirements of this Chapter may request that the City provide inclusionary concessions or incentives in compliance with this Section and State law. The goal of the inclusionary concessions or incentives are to apply available concessions or incentives to qualifying projects in a manner that, to the

extent feasible, offsets the cost of providing the units. The Director shall respond to a request for concessions or incentives in compliance with Section 9.32.110.A.10 and shall determine inclusionary incentives appropriate for the inclusionary units after a review of the Affordable Housing Plan. The City shall grant concessions or incentives necessary to offset the cost of developing inclusionary units.

A. Concessions. The following concessions and incentives shall be available to the applicant without any requirement that the applicant demonstrate to the City that the requested concession or incentive results in identifiable, financially sufficient, and actual cost reductions to the project:

1. **Inclusionary bonus.** The City shall grant a 25 percent increase in the number of housing units normally allowed by the applicable General Plan designation and/or zoning. All standards associated with bulk and massing, including but not limited to, setbacks, floor area ratio, and maximum building height, may be exceeded by up to 1.5 times the district standard to accommodate the additional units. No additional parking is required for the additional units authorized under this section.
2. **Interior finish reductions.** The City may, to the maximum extent appropriate in light of project design elements as determined by the Director, allow builders to finish out the interior of inclusionary units with less expensive finishes and appliances.
3. **Development Standard Exceptions.** The City shall grant exceptions to up to five (5) site and development standards required in this Land Use Code unless the exception causes a health and safety violation.

B. Incentives. The City may grant financial incentives to encourage the development of inclusionary density bonus units.

1. **Public Financial Assistance.** The developer may request the City participate in local, State, and federal public funding in compliance with Section 9.32.110.A.11 to assist in the financing and development of the inclusionary units. The City may facilitate applying for State allocation of tax credits, mortgage revenue bond funds, or State or Federal assistance to the project ("External Subsidy").
2. **Fee Waivers.** The City may grant a package of fee waivers for projects that exceed the minimum inclusionary requirement by at least two times the number of units required by Section 9.32.030.A.1.
3. **State Waivers.** Waivers of development standards as authorized by State law.

C. Effect of incentive or concession. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, zoning amendment, or other discretionary permit approval.

9.32.080 - Term of Affordability for Rental Inclusionary Units - Rent Costs

- A. Term.** Each rental inclusionary unit shall remain affordable for a period of no less than 55 years from the recordation of the Affordable Housing Regulatory Agreement.
- B. Rent cost requirements.** Rents for the inclusionary housing units shall be limited to the rates published annually by either the United States Department of Housing and Urban Development or the California Tax Credit Allocation Committee, as approved in the Affordable Housing Plan, as applicable to Humboldt County adjusted for household size, less a reasonable allowance for utilities as may be published by the Housing Authority of the City of Eureka and County of Humboldt or the City of Arcata. Rent limits shall be documented in the Affordable Housing Regulatory Agreement.

9.32.090 - Term of Affordability and Resale of For-Sale Units

- A. Term.** Each for-sale inclusionary housing unit shall remain affordable for a period of no less than 45 years from the recordation of the Affordable Housing Regulatory Agreement.
- B. Sale to an income eligible household.** The purchase price charged for the inclusionary housing units in the development shall be financed so that the monthly payments on the 30-year fixed interest rate private mortgage, City second mortgage, property taxes, and property insurance do not exceed the following amounts during the initial sale of the inclusionary housing units:
 - 1. Very low-income households.** Thirty percent of 50 percent of the area median income, for units designed for very low-income households, as defined in Health and Safety Code Section 50052.5;
 - 2. Low-income households.** Thirty percent of 70 percent of the area median income, for units designed for low-income households, as defined in Health and Safety Code Section 50052.5.
 - 3. Moderate income households.** Thirty-five percent of 110 percent of the area median income, for units designed for moderate income households, as defined in Health and Safety Code Section 50052.5.
 - 4. Other income limits.** Other income limits that may be required by the City's Single-Family Housing Guidelines or other local, State, or federal agencies that are providing financial assistance to the project and are included in the Affordable Housing Regulatory Agreement.

9.32.100 - Income, Occupancy, Insurance, and Maintenance Requirement

- A. Income Requirement.** Only households that meet the income eligibility requirements upon occupancy shall occupy inclusionary units.
- B. Occupancy.** Households must occupy inclusionary housing units as a primary residence.

- C. **Insurance.** Owners shall maintain insurance for at least the replacement cost of inclusionary housing units throughout the entire affordability period established in the Affordable Housing Regulatory Agreement.
- D. **Maintenance.** Owners shall maintain inclusionary housing units, common areas, and the properties they are situated sufficiently to preserve health and safety of occupants and property value.

9.32.110 - Administration of Inclusionary Units

- A. **Affordable Housing Plan.** The application for the first legislative entitlement for a residential project shall include a draft Affordable Housing Plan, which shall contain at least the following information:
 1. **Project Proponent.** The name and address of the property owner, developer, and authorized agent;
 2. **Developer.** The name and address of the entity that will develop the inclusionary units, if not the developer;
 3. **Project Description.** Narrative project description; site plans, floor plans, elevation schematics, and details of phasing of the residential project as a whole including the inclusionary units;
 4. **Number of housing units.** The total number of housing units approved for the housing development project, including the number of inclusionary units;
 5. **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 initial and long-term affordable rent or affordable sales price and housing cost consistent with HUD Guidelines;
 6. **Marketing plan.** The marketing plan and applicant selection procedures for the affordable housing units;
 7. **Description and location of affordable housing units.** The location (fixed and/or floating), unit sizes (in square feet), and number of bedrooms of the affordable housing units and market rate units;
 8. **Term and type of use restrictions.** Term of the affordability restrictions for the affordable housing units in compliance with Sections 9.32.080 and 9.32.090;
 9. **Completion and occupancy schedule.** A schedule for completion and occupancy of the affordable housing units;
 10. **Description of concessions and/or incentives.** A description and Land Use Code citation of the additional concessions and/or incentives being requested by the applicant; and

11. **Other provisions.** Other information required by the Director or local, State, or federal funding agencies to ensure successful implementation and compliance with this Chapter.

B. Action on Affordable Housing Plan. The Review Authority shall approve each Affordable Housing Plan that meets the requirements of Section 9.31 and/or Section 9.32. No development entitlement shall be granted without an approved Affordable Housing Plan. The elements of the Affordable Housing Plan shall be incorporated into the terms and conditions of the applicable entitlements and Affordable Housing Regulatory Agreement, which shall be recorded on title.

C. Affordable Housing Regulatory Agreement. The City Manager is authorized to execute an Affordable Housing Regulatory Agreement that satisfies the requirements of this Chapter, including any concessions or incentives authorized under Section 9.32.070. The Affordable Housing Regulatory Agreement shall be recorded prior to the issuance of a Certificate of Occupancy.

1. **Timing.** An Affordable Housing Regulatory Agreement shall be developed concurrently with the processing of an application for the first project approval.
2. **Contents.** The agreement shall be consistent with the Affordable Housing Plan, and shall indicate ownership or rental project, the number and size of very low-, low-, and moderate-income units, the developer of the inclusionary units, the phasing and construction scheduling of the units, commitments for inclusionary incentives, including City commitments for local public subsidy, and any other information required by the City relative to the inclusionary units.
3. **Continuing right-of-first-refusal.** The developer shall give the City the continuing right-of-first-refusal to lease or purchase any or all of the affordable housing units.
4. **Written approval of City required prior to transfer of unit.** The deeds to the affordable housing units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for the affordable housing units without the prior written approval of the City;
5. **Confirmation of price by City.** When providing the written approval, the City shall confirm that the price (rent or sale) of the affordable housing unit is consistent with the limits of this Chapter;
6. **Continuously occupied by eligible households.** The City shall have the authority to enter into other agreements with the developer, or purchasers of the affordable housing units, to ensure that the required housing units are continuously occupied by eligible households;
7. **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;

8. **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; and
9. **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.
10. **Remedies for breach of the agreement.** A description of the remedies for breach of the density bonus agreement by the owners, developers, and/or successors-in-interest of the development project; and
11. **Other provisions.** Other provisions to ensure successful implementation and compliance with this Chapter.

D. For-sale housing conditions. In the case of for-sale housing developments, the agreement shall provide for the following conditions governing the initial sale and use of the affordable housing units during the applicable affordability restriction period:

1. **Eligible and qualified households.** The affordable housing units shall be owner-occupied by eligible very low-, low-, or moderate-income households, or by qualified residents in the case of senior or disabled housing;
2. **Mandatory contents of instrument or agreement.** The initial purchaser of each affordable housing unit shall execute an instrument or agreement approved by the City which:
 - a. Restricts the sale of the affordable housing unit in compliance with this Chapter during the applicable term of affordability restriction;
 - b. Contains provisions as the City may require to ensure continued compliance with this Chapter and State law; and
 - c. Shall be recorded against each parcel containing an affordable housing unit.

E. Rental housing conditions. In the case of rental housing developments, the agreement shall provide for the following conditions governing the use of the affordable housing units during the affordability restriction period:

1. **Rules and procedures.** The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the affordable housing units for qualified tenants;
2. **Annually verify tenant incomes.** Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter;

3. **Submittal of annual report to the City.** Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying the affordable housing units, and which identifies the bedroom size and monthly rent or cost of each unit; and
4. **Use restriction period.** The applicable term of affordability restriction shall be in compliance with Section 9.32.080, above.

9.32.120 - Administrative Fees

The Council may by resolution establish reasonable fees and deposits for the administration of this Chapter.

9.32.130 - Enforcement and Penalties

- A.** No legislative entitlement and no subdivision map shall be issued or valid without an Affordable Housing Plan as required by this Chapter.
- B.** No project-specific approval nor Development Agreement shall be issued for any residential project unless an Affordable Housing Regulatory Agreement has been approved and executed, and no building permit or certificate of occupancy shall be issued until the Affordable Housing Regulatory Agreement has been recorded as required by this Chapter.
- C.** The City may bring civil and criminal enforcement actions as provided by the Arcata Municipal Code.