

## 17.70.045 – Downtown Flexible Density Program

- A. Purpose.** The provisions in this Section are intended to carry out a key program directed by the 2014 General Plan Land Use Element, and the 2020 Housing Element to implement the Downtown Flexible Density Program. The Program is intended to facilitate the construction of smaller housing units within the City's Downtown Core by relaxing density limitations for qualifying units and providing development standard incentives. The Program will be in effect until January 1, 2029, or until 500 residential units have been entitled or permitted, whichever occurs first.
- B. Applicability.** The Flexible Density Program eliminates residential density requirements for units less than 600 square feet in size. Projects that qualify under this Section may be developed at a residential density that is greater than the base density for the zone in which the lot is located.
- 1. Location.** The Flexible Density Program is limited to properties zoned C-D or C-R within the Downtown Core as identified in the General Plan Land Use Element Figure 4 (Downtown Planning Area and Core).
  - 2. Residential Units.** The Flexible Density Program is limited to studio or one-bedroom units that are less than 600 square feet, all other residential units 600 square feet or larger shall conform to the standard density limitations of the underlying zone, or as otherwise allowed through Density Bonus Law.
- C. Development Standards.** Applications submitted for review in accordance with this Section shall conform to all applicable development standards of the underlying zone, including but not limited to height, setbacks, floor area ratios, and building lot coverage, unless otherwise stated in this section or prohibited by state law.
- 1. Residential Density.** Residential units that are less than 600 square feet in size and limited to a studio or one-bedroom configuration may exceed the base density for the zone in which the lot is located, in accordance with all provisions of this Section. For residential units that are larger than 600 square feet or include two or more bedrooms, standard density unit limitations shall apply, in accordance with Section 17.70.040 (Density).
  - 2. Inclusionary Housing Exemption.** Residential units less than 600 square feet that are of a studio or one-bedroom configuration shall be exempt from Inclusionary Housing Requirements as described in Section 17.138.040 (Inclusionary Housing Requirements).
    - a.** Commercial Linkage fees shall apply (Municipal Code Chapter 4.60).
    - b.** Residential units 600 square feet or larger shall be subject to the standard Inclusionary Housing requirements (Chapter 17.138: Inclusionary Housing Requirements).
    - c.** Projects which include a request for a density bonus shall provide the required amount of affordable dwelling units pursuant to State Density Bonus Law or the City's Density Bonus Regulations as described in Chapter 17.140 (Affordable Housing Incentives).
  - 3. Parking Requirements.** Vehicle parking requirements shall be required in accordance with Chapter 17.72 (Parking and Loading), except as otherwise provided below;
    - a. Minimum Parking Requirements.** Qualifying flexible density units shall require minimum parking rate of one-half that required in Table 3-4: Parking Requirements by Use.
- D. Review Procedures.** All new construction projects including additions or alterations to existing buildings that include new units that qualify under this Section shall be subject to the City's discretionary development review process outlined in Chapter 17.106 (Development Review).

- E. Program Duration.** The Flexible Density Program shall have an initial duration consistent with the current Housing Element Cycle and expire on January 1, 2029, or until 500 new residential units are entitled or permitted under this program, whichever occurs first.
- 1. Exclusion of Affordable Housing Units.** Housing units that are deed restricted as affordable to moderate-income, low-income, and very low-income households, as defined in the City's Below Market Rate Housing Standards, will not count towards the 500-unit Program limit.
  - 2. Pending Applications.** Any application for new development that is deemed complete prior to the expiration of the Program term established in subsection A, Initial Program Period, above, or the issuance of an entitlement or permit for the 500th residential unit (whichever occurs sooner) may continue to be processed in accordance with the Flexible Density Program.