ORDINANCE NO. 2015-01

AN ORDINANCE OF THE AVENAL CITY COUNCIL AMENDING VARIOUS SECTIONS OF THE AVENAL ZONING ORDINANCE TO ENSURE CONSISTENCY WITH STATE LAW AND THE HOUSING ELEMENT OF THE GENERAL PLAN

THE CITY COUNCIL OF THE CITY OF AVENAL DOES ORDAIN AS FOLLOWS:

Section 1: Title 9, Section 9.03.02 of the Avenal Municipal Code is hereby amended to add the following language:

> Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay in accordance with Health and Safety Code § 50801(e).

Section 2: Title 9, Section 9.03.02 of the Avenal Municipal Code is hereby amended to add the following language:

> Any agricultural employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation pursuant to Health and Safety Code Sec. 17021.5

Section 3: Title 9, Section 9.03.02 of the Avenal Municipal Code is hereby amended to delete the following language:

> ~~Homeless Shelter. Short-term (from 3 to 90 days) housing for indigents, including shower facilities and meal service.~~

Section 4: Title 9, Section 9.03.02 of the Avenal Municipal Code is hereby amended to add the following language:

> Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to those standards and procedures as they apply to other residential uses of the same type in the same zone.

Section 5: Title 9, Section 9.03.02 of the Avenal Municipal Code is hereby amended to add the following language:

> Target Population. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Welfare and Institutions Code §§ 4500, et seq.) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Section 6: Title 9, Section 9.03.02 of the Avenal Municipal Code is hereby amended to change the following language:

> Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that is not less than six months from the beginning of the assistance. Transitional housing is a residential use subject only to those standards and procedures as they apply to other residential uses of the same type in the same zone. ~~Longer-term housing other than Homeless Shelters offering additional services rendered to meet needs of recovery, life skills training, education, job training, job placement, and/or child care.~~

Section 7: Title 9, Section 9.03.02 of the Avenal Municipal Code is hereby amended to add the following language:

> Employee housing with 12 or fewer units or 36 or fewer beds in group quarters and meeting all requirements of Health and Safety Code Section 17021.6 is considered an agricultural use for zoning purposes.

Section 8: Title 9, Section 9.03.02 of the Avenal Municipal Code is hereby amended to delete the following language:

> ~~Community Care Facility. A State-authorized, certified, or licensed family care home, foster home, or group home serving six (6) or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children (Welfare and Institutions Code 5116).~~

Section 9: Title 9, Section 9.03.02 of the Avenal Municipal Code is hereby amended to add the following language:

> Residential Care Facility-Limited. A State-licensed facility that provides care, services, or treatment in a community residential setting for six or fewer adults, children, or adults and children and which are required by State law to be treated

as a single housekeeping unit for zoning purposes. Does not include "Group residential."

Section 10: Title 9, Section 9.03.02 of the Avenal Municipal Code is hereby amended to delete the following language:

~~"Granny" Flat. An additional dwelling unit intended for the sole occupancy of one or two adult persons who are 62 years of age or over, and the floor area of the attached "granny" flat dwelling unit does not exceed 30 percent of the existing living area of the primary residence or the floor area of the detached "granny" flat dwelling unit does not exceed 1,200 square feet on a lot designated as residential, as defined in Government Code Section 65852.1.~~

Section 11: Title 9, Section 9.03.02 of the Avenal Municipal Code is hereby amended to delete the following language:

~~Group Care Facility. A facility or detached dwelling unit providing twenty-four (24) hour non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.~~

Section 12: Title 9, Section 9.03.02 of the Avenal Municipal Code is hereby amended to add the following language:

Group Residential. Shared living quarters, occupied by three or more persons not living together as a single housekeeping unit. Includes, without limitation, boarding or rooming houses, dormitories, fraternities, sororities, and private residential clubs. Excludes residential care facilities.

Section 13: Title 9, Section 9.12.15 of the Avenal Municipal Code is hereby amended to add the following language:

ADDITIONAL STANDARDS FOR EMERGENCY SHELTERS. The following standards shall apply to emergency shelters in addition to other applicable standards and requirements of the R-3 zone:

A. A maximum of 25 persons may be served nightly.

B. Off-street parking shall be provided at the rate of one space per five beds plus one space for each staff person on duty.

C. A plan describing management and security prepared in consultation with the City Manager.

D. Minimum separation of 300 feet between emergency shelters, measured in a straight line between the nearest property boundaries.

E. Provision of on-site waiting and intake areas adequately sized to accommodate the number of occupants and screened from the public right-of-way.

Section 13: Title 9, Section 9.19.01.D of the Avenal Municipal Code is hereby amended to change the following language:

D. Density Bonus

The purpose of the Density Bonus provision is to implement General Plan policies and State law requirements for density bonuses, incentives and concessions in specified residential projects. Density Bonuses of up to thirty-five~~twenty~~ (35~~20~~) percent and incentives or concessions shall be granted for ~~specified~~ qualifying residential projects of five (5) or more units meeting at least one of the criteria in Paragraph 1, below ~~in which at least twenty (20) percent of the units are affordable to persons and families of low income or moderate income or in which ten (10) percent of the units are affordable to lower income households~~. In the event of any conflict between this section and state density bonus law, as it may be amended from time to time, state law shall control.

1. Qualifying Developments~~Affordable Housing~~:

State Government Code Section 65915 provides for the granting of a Density Bonus or other incentives of equivalent financial value when a developer of housing agrees to construct at least one of the following:

a) Ten percent of the total units of a housing development for persons and families of lower income, as defined in Section 50079.5 of the Health and Safety Code.

b) Five percent of the total units of a housing development for very low-income households, as defined in Section 50105 of the Health and Safety Code.

c) ~~Any number of dwelling units of a housing development for qualifying~~ A senior citizen housing development, as defined in Sections ~~51.2~~51.3 and 51.12 of the Civil Code, or 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.

d) Ten percent of the total dwelling units in a common interest development as defined in Section 1351 of the Civil Code for 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. ~~Ten percent of the total units in a condominium development for moderate-income households, as defined in Section 50093 of the Health and Safety Code.~~

e) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the city, the applicant shall be entitled to a density bonus in conformance with Government Code Section 65915(g).

(f) When an applicant proposes to construct a housing development that includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city shall grant either a density bonus or a concession or incentive in conformance with Government Code Section 65915(h).

2. Amount of Density Bonus:

~~e)~~ The maximum density bonus for qualifying developments will be calculated ~~increase incrementally~~ as follows:

1) Qualifying developments providing 10 percent of units for lower income households shall be entitled to a density bonus of 20 percent. ~~f~~For each one percent increase above 10 percent minimum for lower income households, the density bonus shall increase by 1.5 percent to a maximum of 35 percent;

2) Qualifying developments providing 5 percent of units for very low income households shall be entitled to a density bonus of 20 percent. ~~f~~For each one percent increase above five percent minimum for very low income households, the density bonus shall increase by 2.5 percent to a maximum of 35 percent; ~~and~~

3) Qualifying senior citizen housing developments shall be entitled to a density bonus of 20 percent; and

~~4~~3) Qualifying developments providing 10 percent of units for moderate income households in a common interest development shall be entitled to a density bonus of 5 percent. ~~f~~For each one percent increase above 10 percent minimum for moderate-income households, the density bonus shall

increase by one percent to a maximum of 35 percent.

3. Other incentives or concessions:

An applicant for a density bonus may submit a proposal for specific incentives or concessions to facilitate the production of affordable housing as provided in Government Code Section 65915(d).

42. Interpretation:

A request for a Density Bonus and regulatory concessions and/or incentives pursuant to Government Code Section 65915 shall be ministerial, and subject to the following interpretations:

a) For the purpose of this Section, "Density Bonus" shall mean a density increase of 20% over the otherwise maximum allowable residential density under this Ordinance. When determining the number of housing units which are to be affordable, the Density Bonus shall not be included.

b) The procedures for implementing this section are as follows:

1) The City shall within 30 days of receipt of a written proposal, notify the developer in writing of the procedures governing these provisions.

2) The Community Development Director ~~may~~ shall grant the Density Bonus and regulatory concessions (and/or incentives), which must result in identifiable, financially sufficient, and actual cost reductions, only if all of the following findings are made based on substantial evidence:

a. The developer has proven that the Density Bonus and adjustment of standards is necessary to make the project economically feasible;

b. That additional adjustment of standards are not required in order for the rents for the targeted units to be set, pursuant to Government Code Section 65915;

c. The proposed project is compatible with the purpose and intent of the General Plan and this Ordinance;

d. The Density Bonus shall only apply to housing developments (subdivision, planned unit development or a condominium project) consisting of 5 or more dwelling

units;

e. The Density Bonus or combination of bonuses may not exceed 3520%.

f. ~~Prior to the issuance of a building permit for any dwelling unit in a development for which "Density Bonus Units" have been granted or preliminary incentives received, the developer shall submit documentation to the Community Development Director which identifies the restricted units. A written affordability covenant shall be executed with the City to guarantee for 30 years the units continued use and availability to low and moderate income households. The agreement shall extend more than 30 years if required by another financing program. The terms and conditions of the agreement shall run with the land which is to be developed, shall be binding upon the successor in interest of the developer, and shall be recorded in the Office of the Kings County recorder.~~

g. The Density Bonus Units are generally dispersed throughout a development project and shall not differ in appearance from other market rate units in the development ~~if combined with fair market value~~.

3) Density Bonus Agreement:

Prior to the issuance of a building permit for any dwelling unit in a development for which "Density Bonus Units" have been granted or incentives received, the developer shall submit documentation to the Community Development Director which identifies the restricted units. A written affordability covenant shall be executed with the City, in a form acceptable to the City Attorney, guaranteeing for 30 years the units' continued use and availability to low and moderate income households. The agreement shall extend more than 30 years if required by another financing program. The terms and conditions of the agreement shall run with the land which is to be developed, shall be binding upon the successor in interest of the developer, and shall be recorded in the Office of the Kings County Recorder. The Density Bonus agreement shall include all of the following provisions:

a. The developer shall give the City the continuing right of first refusal to purchase or lease any or all of the designated units at fair market value;

Section 14: Title 9, Table 9-1 of the Avenal Municipal Code is hereby amended to change the following language:

	Intensive Ag.	Exclusive Ag.	Community Comm.	Highway Comm.	Downtown Commercial	Service Comm.	Light Mfg.	Heavy Mfg.	Public Facilities	Open Space, Parks & Rec.
MASTER LIST ZONE DISTRICT	**A-I**	**A-E**	**C-C**	**H-C**	**D-C**	**S-C**	**M-1**	**M-2**	**P-F**	**O**
Emergency Shelter~~/Temporary housing~~									C	

Section 15: Title 9, Table 9-1 of the Avenal Municipal Code is hereby amended to change the following language:

	Intensive Ag.	Exclusive Ag.	Community Comm.	Highway Comm.	Downtown Commercial	Service Comm.	Light Mfg.	Heavy Mfg.	Public Facilities	Open Space, Parks & Rec.
MASTER LIST ZONE DISTRICT	**A-I**	**A-E**	**C-C**	**H-C**	**D-C**	**S-C**	**M-1**	**M-2**	**P-F**	**O**
Secondar~~y~~ Residential Unit	C	C								

Section 16: Title 9, Table 9-1 of the Avenal Municipal Code is hereby amended to change the following language:

	Intensive Ag.	Exclusive Ag.	Community Comm.	Highway Comm.	Downtown Commercial	Service Comm.	Light Mfg.	Heavy Mfg.	Public Facilities	Open Space, Parks & Rec.
MASTER LIST ZONE DISTRICT	**A-I**	**A-E**	**C-C**	**H-C**	**D-C**	**S-C**	**M-1**	**M-2**	**P-F**	**O**
~~Community Care Facility~~										

Section 17: Title 9, Table 9-3 of the Avenal Municipal Code is hereby amended to

change the following language:

	Residential Estate	Single Family Residential	Medium Density Multi-Family Residential	High Density Multi-Family Residential
MASTER LIST ZONE DISTRICT	**R-E**	**R-1**	**R-2**	**R-3**
~~Community Care Facility~~	~~C~~	~~C~~	~~C~~	~~C~~
~~Group/Foster homes, licensed~~				
~~- 1 to 6 individuals in addition to the residing family~~	~~C~~	~~P~~	~~C~~	~~C~~
~~- More than 6, but less than 14 individuals in addition to the residing family~~	~~C~~	~~C~~	~~C~~	~~C~~
Group Residential	C	C	C	C
Residential Care Facility	C	C	C	C
Residential Care Facility-Limited	P	P	P	P
Secondar~~y~~ Residential Unit	P	P	P	P
Emergency Shelter~~/Temporary housing~~				P

PASSED AND ADOPTED at a regular meeting of the Avenal City Council on the 9th day of April, 2015, by the following roll call vote:

AYES: PRECIADO, WOOLLEY, GRAVELLE, OVALLE, CASIDA.
NOES: NONE.
ABSTAIN: NONE.
ABSENT: NONE.

Approved: Harlin Casida
Harlin Casida, **MAYOR**

ATTEST:

Maria A. Ortiz, **CITY CLERK**

EXHIBIT A

ZONE TEXT CHANGE:

Section 9.03.02 – Added definition for "Emergency Shelter"

Added Text: Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay in accordance with Health and Safety Code § 50801(e).

Section 9.03.02 – Added exception for six or fewer employees to definitions of "Farm Labor Housing" and "Labor Camp"

Added Text: Any agricultural employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation pursuant to Health and Safety Code Sec. 17021.5

Section 9.03.02 – Removed "Homeless Shelter"

Deleted Text: ~~Homeless Shelter. Short-term (from 3 to 90 days) housing for indigents, including shower facilities and meal service.~~

Section 9.03.02 – Added definition for "Supportive Housing"

Added Text: Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to those standards and procedures as they apply to other residential uses of the same type in the same zone.

Section 9.03.02 – Added definition for "Target Population"

Added Text: Target Population. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Welfare and Institutions Code §§ 4500, et seq.) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Section 9.03.02 – Revised definition for "Transitional Housing"

Added Text: Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that is not less than six months from the beginning of the assistance. Transitional housing is a residential use subject only to those standards and procedures as they apply to other residential uses of the same type in the same zone. ~~Longer-term housing other than Homeless Shelters offering additional services rendered to meet needs of recovery, life skills training, education, job training, job placement, and/or child care.~~

Section 9.03.02 – Added small employee housing to definition of "Agriculture"

Added Text: Employee housing with 12 or fewer units or 36 or fewer beds in group quarters and meeting all requirements of Health and Safety Code Section 17021.6 is considered an agricultural use for zoning purposes.

Section 9.03.02 – Removed "Community Care Facility"

Deleted Text: ~~Community Care Facility. A State-authorized, certified, or licensed family care home, foster home, or group home~~

~~serving six (6) or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children (Welfare and Institutions Code 5116).~~

Section 9.03.02 – Added definition for "Residential Care Facility – Limited"

Added Text: Residential Care Facility-Limited. A State-licensed facility that provides care, services, or treatment in a community residential setting for six or fewer adults, children, or adults and children and which are required by State law to be treated as a single housekeeping unit for zoning purposes. Does not include "Group residential."

Section 9.03.02 – Removed "Granny Flat"

Deleted Text: ~~"Granny" Flat. An additional dwelling unit intended for the sole occupancy of one or two adult persons who are 62 years of age or over, and the floor area of the attached "granny" flat dwelling unit does not exceed 30 percent of the existing living area of the primary residence or the floor area of the detached "granny" flat dwelling unit does not exceed 1,200 square feet on a lot designated as residential, as defined in Government Code Section 65852.1.~~

Section 9.03.02 – Removed "Group Care Facility"

Deleted Text: ~~Group Care Facility. A facility or detached dwelling unit providing twenty-four (24) hour non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.~~

Section 9.03.02 – Added definition for "Group Residential"

Added Text: Group Residential. Shared living quarters, occupied by three or more persons not living together as a single housekeeping unit. Includes, without limitation, boarding or rooming houses, dormitories, fraternities, sororities, and private residential clubs. Excludes residential care facilities.

Section 9.12.15 - Added development standards for Emergency Shelters

Added Text:

ADDITIONAL STANDARDS FOR EMERGENCY SHELTERS. The following standards shall apply to emergency shelters in addition to other applicable standards and requirements of the R-3 zone:

A. A maximum of 25 persons may be served nightly.

B. Off-street parking shall be provided at the rate of one space per five beds plus one space for each staff person on duty.

C. A plan describing management and security prepared in consultation with the City Manager.

D. Minimum separation of 300 feet between emergency shelters, measured in a straight line between the nearest property boundaries.

E. Provision of on-site waiting and intake areas adequately sized to accommodate the number of occupants and screened from the public right-of-way.

Section 9.19.01.D – Revised Density Bonus language and corrected maximum bonus amount

Revised Text:

D. Density Bonus

The purpose of the Density Bonus provision is to implement General Plan policies and State law requirements for density bonuses, incentives and concessions in specified residential projects. Density Bonuses of up to thirty-five~~twenty~~ (35~~20~~) percent and incentives or concessions shall be granted for ~~specified~~ qualifying residential projects of five (5) or more units meeting at least one of the criteria in Paragraph 1, below ~~in which at least twenty (20) percent of the units are affordable to persons and families of low income or moderate income or in which ten (10) percent of the units are affordable to lower income households~~. In the event of any conflict between this section and state density bonus law, as it may be amended from time to time, state law shall control.

1. Qualifying Developments~~Affordable Housing~~:

State Government Code Section 65915 provides for the granting of a Density Bonus or other incentives of equivalent financial value when a developer of housing agrees to construct at least one of the following:

a) Ten percent of the total units of a housing development for persons and families of lower income, as defined in Section 50079.5 of the Health and Safety Code.

b) Five percent of the total units of a housing development for very low-income households, as defined in Section 50105 of the Health and Safety Code.

c) ~~Any number of dwelling units of a housing development for qualifying~~ A senior citizen housing development, as defined in Sections ~~51.2~~51.3 and 51.12 of the Civil Code, or 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.

d) Ten percent of the total dwelling units in a common interest development as defined in Section 1351 of the Civil Code for 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.~~Ten percent of the total units in a condominium development for moderate-income households, as defined in Section 50093 of the Health and Safety Code.~~

e) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the city, the applicant shall be entitled to a density bonus in conformance with Government Code Section 65915(g).

(f) When an applicant proposes to construct a housing development that includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city shall grant either a density bonus or a concession or incentive in conformance with Government Code Section 65915(h).

2. Amount of Density Bonus:

~~e)~~ The maximum density bonus for qualifying developments will be

calculated ~~increase incrementally~~ as follows:

1) Qualifying developments providing 10 percent of units for lower income households shall be entitled to a density bonus of 20 percent. ~~f~~For each one percent increase above 10 percent minimum for lower income households, the density bonus shall increase by 1.5 percent to a maximum of 35 percent;

2) Qualifying developments providing 5 percent of units for very low income households shall be entitled to a density bonus of 20 percent. ~~f~~For each one percent increase above five percent minimum for very low income households, the density bonus shall increase by 2.5 percent to a maximum of 35 percent; ~~and~~

3) Qualifying senior citizen housing developments shall be entitled to a density bonus of 20 percent; and

~~4~~3) Qualifying developments providing 10 percent of units for moderate income households in a common interest development shall be entitled to a density bonus of 5 percent. ~~f~~For each one percent increase above 10 percent minimum for moderate-income households, the density bonus shall increase by one percent to a maximum of 35 percent.

3. Other incentives or concessions:

An applicant for a density bonus may submit a proposal for specific incentives or concessions to facilitate the production of affordable housing as provided in Government Code Section 65915(d).

~~4~~2. Interpretation:

A request for a Density Bonus and regulatory concessions and/or incentives pursuant to Government Code Section 65915 shall be ministerial, and subject to the following interpretations:

a) For the purpose of this Section, "Density Bonus" shall mean a density increase of 20% over the otherwise maximum allowable residential density under this Ordinance. When determining the number of housing units which are to be affordable, the Density Bonus shall not be included.

b) The procedures for implementing this section are as follows:

1) The City shall within 30 days of receipt of a written proposal,

notify the developer in writing of the procedures governing these provisions.

2) The Community Development Director ~~may~~ shall grant the Density Bonus and regulatory concessions (and/or incentives), which must result in identifiable, financially sufficient, and actual cost reductions, only if all of the following findings are made based on substantial evidence:

   a. The developer has proven that the Density Bonus and adjustment of standards is necessary to make the project economically feasible;

   b. That additional adjustment of standards are not required in order for the rents for the targeted units to be set, pursuant to Government Code Section 65915;

   c. The proposed project is compatible with the purpose and intent of the General Plan and this Ordinance;

   d. The Density Bonus shall only apply to housing developments (subdivision, planned unit development or a condominium project) consisting of 5 or more dwelling units;

   e. The Density Bonus or combination of bonuses may not exceed 35~~20~~%.

   f. ~~Prior to the issuance of a building permit for any dwelling unit in a development for which "Density Bonus Units" have been granted or preliminary incentives received, the developer shall submit documentation to the Community Development Director which identifies the restricted units. A written affordability covenant shall be executed with the City to guarantee for 30 years the units continued use and availability to low and moderate income households. The agreement shall extend more than 30 years if required by another financing program. The terms and conditions of the agreement shall run with the land which is to be developed, shall be binding upon the successor in interest of the developer, and shall be recorded in the Office of the Kings County recorder.~~

   g. The Density Bonus Units are generally dispersed throughout a development project and shall not differ in appearance from other market rate units in the

development ~~if combined with fair market value~~.

3) Density Bonus Agreement:

Prior to the issuance of a building permit for any dwelling unit in a development for which "Density Bonus Units" have been granted or incentives received, the developer shall submit documentation to the Community Development Director which identifies the restricted units. A written affordability covenant shall be executed with the City, in a form acceptable to the City Attorney, guaranteeing for 30 years the units' continued use and availability to low and moderate income households. The agreement shall extend more than 30 years if required by another financing program. The terms and conditions of the agreement shall run with the land which is to be developed, shall be binding upon the successor in interest of the developer, and shall be recorded in the Office of the Kings County Recorder. The Density Bonus agreement shall include all of the following provisions:

a. The developer shall give the City the continuing right of first refusal to purchase or lease any or all of the designated units at fair market value;

Table 9-1 – Revised "Emergency/Temporary Housing" to reflect "Emergency Shelter"

	Intensive Ag.	Exclusive Ag.	Community Comm.	Highway Comm.	Downtown Commercial	Service Comm.	Light Mfg.	Heavy Mfg.	Public Facilities	Open Space, Parks & Rec.
MASTER LIST ZONE DISTRICT	**A-I**	**A-E**	**C-C**	**H-C**	**D-C**	**S-C**	**M-1**	**M-2**	**P-F**	**O**
Emergency Shelter~~/Temporary housing~~									C	

Table 9-1 – Revised "Secondary Residential Unit" to "Second Residential Unit"

	Intensive Ag.	Exclusive Ag.	Community Comm.	Highway Comm.	Downtown Commercial	Service Comm.	Light Mfg.	Heavy Mfg.	Public Facilities	Open Space, Parks & Rec.
MASTER LIST ZONE DISTRICT	**A-I**	**A-E**	**C-C**	**H-C**	**D-C**	**S-C**	**M-1**	**M-2**	**P-F**	**O**
Secondary Residential Unit	C	C								