

## **Chapter 17.20**

### **No Net Loss Program**

#### **Sections:**

17.20.010	Purpose and authority.
17.20.020	Definitions.
17.20.030	Requirements.
17.20.040	Types of bonuses and incentives allowed.
17.20.050	Development standards.
17.20.060	Processing of No Net Loss Program density bonus requests.
17.20.070	No Net Loss Program density bonus agreement.
17.20.080	Implementation.
17.20.090	Fee

#### **17.20.010- Purpose and authority**

The City desires to ensure its compliance with SB330 and establish a no Net Loss Program for certain residential projects. This Chapter provides, concurrent with the approval of any change in zone from a residential use to a less intensive or non-residential use, a density bonus will become available to project applicants subsequently seeking to develop property for residential use within the City. In doing so, the proposed Section will ensure that there is no net loss of residential capacity within the City as required by SB330.

On October 9, 2019, the California Legislature adopted Senate Bill 330 (SB330) which, among other things, adopted Government Code Section 66300, declared a housing crisis in the State of California and imposed certain requirements designed to streamline the construction of new housing, and prevent the loss of existing housing and land available for future residential use, unless replaced in other areas of the affected jurisdiction to ensure no net loss in residential capacity. SB330 became effective on January 1, 2020.

#### **17.20.020 Definitions.**

Except as otherwise expressly set forth herein, the following words and terms as used in this Chapter shall have the following meanings:

*Community Development Director* means the Community Development Director of the City.

*Density Bonus.* A density increase of up to those percentages above the otherwise maximum residential density as specified in this Chapter.

*Density Bonus Housing Agreement.* A legally binding agreement between a developer of a Housing Development and the City containing such terms and conditions as determined by the City Attorney, which ensures that the requirements of this Chapter are satisfied.

*Density Bonus Units.* Those residential units granted pursuant to the provisions of this Chapter, that exceed the maximum residential density for the development site and that are available in the Unit Bank.

*Housing Development.* Construction projects consisting of five or more residential units or Lots, including single-family and multifamily, that are proposed to be constructed pursuant to this chapter.

*Maximum Residential Density.* The maximum number of residential units permitted by the City's General Plan Land Use Element and Zoning Code, applicable to the subject property at the time an application for the construction of a Housing Development is deemed complete by the City, excluding the additional units permitted by this Chapter.

*Lot.* (1) a Lot when shown as a delineated Lot of land with a number or other designation on a parcel map or tract map and not to be used for the common benefit of other Lots recorded in the Office of the County Recorder of Riverside County and legally created under the Subdivision Map Act ; (2) a Lot of land held under separate ownership from adjacent property that constitutes a legal lot under applicable Law.

*Unit Bank.* The number of units available to the No Net Loss Program as a result of a change of zone from a residential use to a less intensive residential use or a non-residential use. The Community Development Director, or his or her designee, shall have the sole authority to administer and maintain the Unit Bank balances, credits and availability as he or she determines, which determination shall be final.

#### **10.20.030 – Requirements.**

The City shall grant a density bonus through the No Net Loss Program to projects which meet the following criteria:

- A. The project is on a parcel of at least one acre, *or* the applicant is processing an application concurrently with a parcel merger of two or more Lots or more which will create a Lot of not less than one-acre.
- B. The project takes place in one of the following zones:
  - a. Traditional Neighborhood (TN)
  - b. Residential Multiple-Family (MFR)
  - c. Downtown Residential Multi-Family (DMF)
  - d. Sixth Street Mixed Use Residential (SSMU-R)

- e. Transit Oriented Development Overlay (TOD)
- C. In determining the number of Density Bonus Units to be granted pursuant to this Section, the maximum allowable residential density for the site shall be computed as follows:
  - a. In the Traditional Neighborhood (TN) zone the total number of dwelling units allowed under this program shall be calculated by multiplying the maximum density allowed under the applicable zoning designation and multiplying the result by 1.1 for a 10 percent density bonus.
  - b. In the Residential Multiple-Family (MFR), Downtown Residential Multi-Family (DMF), Sixth Street Mixed Use Residential (SSMU-R) or Transit Oriented Development Overlay (TOD) zones, the total number of dwelling units allowed under this program shall be calculated by multiplying the maximum density allowed under the applicable zoning designation and multiplying the result by 1.2, for a 20 percent density bonus.
  - c. Density bonuses in the No Net Loss Program can be combined with other density bonus programs as established in Chapter 17.10 of the Beaumont Municipal Code or with a program in the City's Housing Element.
  - d. In no case shall the number of Density Bonus Units awarded under the No Net Loss Program exceed the number of units in the Unit Bank.
  - e. In no case shall the total number of units awarded under any density bonus program exceed 100 percent of those available under Chapters 17.10 and 17.20.
- D. A Density Bonus Agreement shall be required for any project seeking a density bonus as part of the No Net Loss program.

**17.20.040 – Types of bonuses and incentives allowed.**

- A. *Density Bonus.* The density bonus allowed by this Chapter shall consist of those density increases specified in Section 17.20.030 above the maximum residential density applicable to the site as of the date of the project land use permit application.
- B. *Mixed use zoning* allows the Housing Development to include nonresidential uses. Approval of mixed-use activities in conjunction with the No Net Loss program is permissible if authorized elsewhere under the Beaumont Municipal Code and subject to those requirements.. A density bonus will be granted only for the residential portion of a mixed use development.

**17.20.050 – Development Standards.**

All development standards for the base zone and/or overlay district shall be met. Granting of a density bonus does not constitute approval of or grounds for modification or waiver of any development standard or other requirement of the Beaumont Municipal Code.

**17.20.060 – Processing of No Net Loss Program density bonus requests.**

A Master Planning Application shall be submitted for any No Net Loss program project. A density bonus request pursuant to this Chapter shall be noted on the application and processed as part of the application for development. The process for obtaining preliminary approval of the Density Bonus Housing Agreement, shall be as follows:

A. *Filing.* An applicant proposing a Housing Development pursuant to this chapter shall submit an application for a Density Bonus Housing Agreement as part of the submittal of any formal request for approval of a Housing Development. The application, whether a pre-application or a formal application, shall include:

1. A brief description of the proposed Housing Development, including the total number of units, and Density Bonus Units proposed;
2. The zoning and General Plan designations and assessor's parcel number(s) of the project site;
3. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveways, and parking layout; and
4. If an additional incentive or program available under the Beaumont Municipal Code or the Housing Element is requested, a description of why the additional incentive or program is applicable to the Density Bonus Units.
5. Any additional information and submittal requirements as noted on the Master Planning Application.

B. *Review of No Net Loss Program Request.*

1. Within 90 days of receipt of the application for a No Net Loss Program the City shall provide to an applicant a letter, which identifies project issues of concern, and the procedures for compliance with this Chapter.
2. If additional incentives are requested under Chapter 17.10 of the Housing Element, the

Community Development Director shall inform the applicant that the requested additional incentives are or are not available thereunder for the proposed development and provide justification for said recommendation.

**17.20.070 – No Net Loss Program density bonus agreement.**

A. The terms of the draft density bonus agreement (the "agreement") shall be reviewed and revised as appropriate by the Community Development Director and the City Attorney who shall formulate a recommendation to the Planning Commission for review and the City Council for final approval.

B. At a minimum, the agreement shall include the following:

1. The total number of units proposed within the Housing Development;
2. A schedule for completion and occupancy of the units;
3. A description of any additional incentive being provided by the City under Chapter 17.10 or the Housing Element;
4. A description of remedies for breach of the agreement by either party; and
5. Any other provisions to ensure implementation and compliance with this chapter and other density bonus provisions established in Chapter 17.10 or in the City's Housing Element, as applicable, including but not limited to:
  - a. A description of the household income group to be accommodated by the Housing Development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost;
  - b. The location, unit sizes (square feet), and number of bedrooms of Target Units, as that term is defined in Chapter 17.10.020 c. Tenure of use restrictions for Target Units;

**17.20.080 - Implementation.**

- A. The provisions of this Chapter shall be administered by the Community Development Department. Project approval processes are established in Beaumont Municipal Code Chapter 17.02 entitled Administration and Enforcement.
- B. Projects requesting density bonus through the No Net Loss Program are subject to processing through both Beaumont Municipal Code Chapter 17.02 entitled Administration and Enforcement and the requirements in this Chapter.

**17.20.0090 - Fee.**

The City Council has set by resolution application fees for the submissions required by this Chapter. The fees set by the resolution of the City Council with regards to this section shall not exceed the amount reasonably necessary for the City to perform the services provided under this Chapter.