

- c. Notwithstanding the foregoing, very low-, low-, and moderate-income units in housing developments qualified for a density bonus that are located in or found by the redevelopment agency to benefit a redevelopment project area shall remain at an affordable level for a period of not less than forty-five (45) years for owner-occupied units, and not less than fifty-five (55) years for rental units, in accordance with applicable provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.).
- d. Any contract, deed restriction, or other instrument used to implement the continued affordability pursuant to this section, shall be signed by the applicant and by the city as parties. If the housing development is located in or found by the redevelopment agency to benefit a redevelopment project area, such contract, deed restriction, or other instrument shall be signed by the redevelopment agency as a party or, at the redevelopment agency's election, the contract, deed restriction, or other instrument shall identify the redevelopment agency as an express third-party beneficiary with the right to enforce the terms of such contract, deed restriction, or other instrument.

E. Specification of Basis For Density Bonus. Each applicant who requests a density bonus pursuant to Section 9403(A), shall elect whether the bonus will be awarded on the basis of subsection (A)(1), (A)(2), (A)(3) or subsection (B) of this section. Each housing development is entitled to only one density bonus, which may be selected based on the percentage of either very low income affordable housing units, lower-income affordable housing units or moderate-income affordable housing units, or the development's status as a senior citizen housing development. Density bonuses from more than one of these categories may not be combined.

#### **Section 9403 Additional Density Bonus for Donations of Land.**

A. Upon written request, when an applicant for a tentative map, subdivision map, parcel map, or other residential development approval qualified for a density bonus pursuant to Section 9402 also donates land to the city in accordance with this section, the applicant shall be entitled to an additional density bonus. Applicants donating land to the city shall be eligible for an additional fifteen percent (15%) density bonus at the site of the housing development if the donated land is suitable for the construction of very low income units equaling at least ten percent (10%) of the market-rate units being constructed for the project. The density bonus provided pursuant to this section shall be in addition to any density bonus granted pursuant to Section 9402, up to a maximum combined density bonus of thirty-five percent (35%).

B. To qualify for the additional density bonus described in subsection A of this Section 9403 the donation of land must meet all of the following criteria:

1. The tentative map, subdivision map, parcel map, or other residential development must otherwise be subject to a density bonus pursuant to Section 9402; and
2. The land must be transferred no later than the date of the approval of the final subdivision map, parcel map, or housing development application; and

