

Additions are underlined.
Deletions are ~~struck through~~.
Revision markers are noted in left or
right margins as vertical lines.

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NAPA COUNTY, STATE OF CALIFORNIA, AMENDING SECTIONS 18.82.050 (SITE DENSITY), 18.107.080 (RESIDENTIAL PROJECTS - BASIC INCLUSIONARY REQUIREMENT), 18.107.150 (STATE INCENTIVES FOR AFFORDABLE HOUSING-DENSITY BONUS), 18.107.160 (STATE INCENTIVES FOR AFFORDABLE HOUSING—STATE-DEFINED INCENTIVES), 18.107.170 (STATE INCENTIVES FOR AFFORDABLE HOUSING—APPLICATION PROCEDURES) AND 18.107.230 (GENERAL - DEFINITIONS) OF THE NAPA COUNTY CODE AS THEY RELATE TO THE STATE DENSITY BONUS LAW

WHEREAS, local jurisdictions are required by State law to establish incentives for affordable housing consistent with the State's density bonus law pursuant to Chapter 4.3 (commencing with Section 65915) of Division I of Title 7 of the Government Code; and

WHEREAS, Napa County adopted a density bonus ordinance as required by State law, in January 2010; and

WHEREAS, the County would like to amend the ordinance to ensure consistency with State law.

The Board of Supervisors of the County of Napa, State of California, ordains as follows:

SECTION 1. Section 18.82.050 (Site density) of Chapter 18.82 (:AH Affordable Housing Combination District) of the Napa County Code is amended to read in full as follows:

18.82.050 Site density.

Only the Specified Priority Housing Development Sites are eligible for the :AH Combination District classification. ~~The site densities permitted by this section are intended to provide a density bonus to the Specified Priority Housing Development Sites in lieu of that provided by state density bonus law (Government Code sections 65915(f) and (g)).~~ Any

development of the parcels identified in the :AH Combination District classification shall comply with the following applicable site densities and timelines for construction:

A. A maximum number of units may be constructed in each of the three areas identified below (Angwin, Moskowitz Corner, and Spanish Flat) within this combination district. The right to develop from the available pool of units shall be granted when a building permit is issued.

B. Construction shall commence within one year of the issuance of a building permit or within any allowed extension; otherwise, the units reserved by the permit shall be returned to the potential pool of housing development for that area. Once building permits totaling the allowed number of units within the area have been issued, the combination district shall be considered exhausted for that particular area. Notwithstanding the foregoing, applications for proposed projects may be submitted and shall be processed on a first come, first served basis in the event that permits already issued have not been used within the time frames specified herein.

C. Site density for the Specified Priority Housing Development Sites shall be as listed below:

1. Angwin: Density allowed without use permit approval on Parcels A and B for the Angwin location shall be twelve dwelling units per acre. Up to twenty-five dwelling units per acre may be allowed upon use permit approval. The maximum combined number of units constructed on Parcels A and B shall not exceed a total of one hundred ninety-one dwelling units.

2. Moskowitz Corner: Density allowed without use permit approval on Parcels A, B, C, and D for the Moskowitz Corner location is four dwelling units per acre. Up to ten dwelling units per acre may be allowed upon use permit approval. The maximum combined number of units constructed on Parcels A, B, C, and D shall not exceed a total of one hundred dwelling units.

3. Spanish Flat: Density allowed without use permit approval on Parcels A, B, C, D, E, and F for the Spanish Flat location is four dwelling units per acre. Up to twenty-five dwelling units per acre may be allowed upon use permit approval. The maximum combined number of units constructed on Parcels A, B, C, D, E, and F shall not exceed a total of one hundred ten dwelling units.

SECTION 2. Section 18.107.080 (Residential projects - Basic inclusionary requirement)

of Chapter 18.107 (Affordable Housing and Incentives) of the Napa County Code is amended to read in full as follows:

18.107.080 Residential projects-Basic inclusionary requirement.

A. To mitigate the impacts of market rate residential projects on the need for affordable housing in Napa County, a portion of all new dwelling units in a residential ownership project shall be made available at an affordable sales price to moderate income households whose annual household income does not exceed one hundred twenty percent of median income, as follows:

Single-family detached-20%

Attached single-family and common interest projects-17%

B. For residential rental projects, housing fees shall be paid as specified in Section 18.107.090 to mitigate the project's impact on the need for affordable housing in the county, unless an equivalency proposal is approved pursuant to Section 18.107.100 or rental is approved pursuant to Section 18.107.110.

C. Affordable units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the same residential project. Affordable units shall be dispersed throughout the residential project, or, subject to the approval of the planning director, may be clustered within the residential project when this furthers affordable housing opportunities.

~~D. Any target units that qualify a project for a density bonus pursuant to Government Code Section 65915 and Section 18.107.150 must be provided in addition to the affordable units required by this section and do not meet the affordable housing requirements contained in this section.~~

~~D.~~ E. The following residential projects are exempt from the affordable housing requirements in this Section 18.107.080 and in Section 18.107.090:

1. Farmworker housing units of twelve hundred square feet or less; or
2. Any residential project that is deed-restricted to be affordable to extremely low, very low, low income, or moderate income households, and which meets the requirements of Section 18.107.140; or
3. Any residential project located on a Specified Priority Housing Development Site, as defined in Section 18.82.020, and developed in conformance with the :AH Combination District standards included in the 2009 Housing Element Update and Chapter 18.82; or
4. Any density bonus units, as required by Government Code Section 65915.

~~E.~~ F. Compliance with this chapter shall be made a condition of approval of each discretionary permit approved for a residential development unless the project is exempt pursuant to subsection (~~D~~~~E~~) above.

SECTION 3. Section 18.107.150 (State incentives for affordable housing-Density bonus) of Chapter 18.107 (Affordable Housing and Incentives) of the Napa County Code is amended to read in full as follows:

18.107.150 State incentives for affordable housing-Density bonus.

This section describes those density bonuses provided pursuant to Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code. These density bonuses shall be provided, at the request of an applicant, when that applicant ~~provides target units in addition to the affordable units required by Section 18.107.080 and otherwise~~ complies with the requirements of this chapter.

A. A residential project resulting in a net increase of at least five dwelling units is eligible for a density bonus of twenty percent if the applicant seeks and agrees to construct any of the following:

1. At least ten percent of the total dwelling units of the residential project as target units affordable to low income households at an affordable rent or affordable sales price; or

2. At least five percent of the total dwelling units of the residential project as target units affordable to very low income households at an affordable rent or affordable sales price; or

3. A senior citizen residential project.

B. A residential project resulting in a net increase of at least five dwelling units is eligible for a density bonus of five percent if the applicant seeks and agrees to provide all of the following:

1. At least ten percent of the total dwelling units of the residential project as target units for sale to moderate income households at an affordable sales price; and

2. The residential project is a common interest development as defined by Civil Code Section 1351; and

3. All of the dwelling units in the residential project are offered to the public for purchase.

C. The density bonus for which the residential project is eligible shall increase if the percentage of very low income, low income, or moderate income target units exceeds the base percentages established in subsections (A) and (B) above, as follows:

1. For each one percent increase above five percent in the percentage of target units affordable to very low income households, the density bonus shall be increased by 2.5 percent, up to a maximum of thirty-five percent.

2. For each one percent increase above ten percent in the percentage of target units affordable to low income households, the density bonus shall be increased by 1.5 percent, up to a maximum of thirty-five percent.

3. For a residential project that is a qualified common interest development pursuant to subsection (B) above, for each one percent increase above five percent in the percentage of target units for sale to moderate income households at an affordable sales price, the density bonus shall be increased by one percent, up to a maximum of thirty-five percent.

The following table summarizes available state density bonuses:

State Density Bonuses (California Government Code Section 65915)

Affordability Category	Minimum % Target Units	Bonus Granted	Additional Bonus for Each 1% Increase in Target Units	% Target Units Required for Maximum 35% Bonus
Very Low-Income	5%	20%	2.5%	11%
Low-Income	10%	20%	1.5%	20%
Moderate-Income (for-sale, common interest development only)	10%	5%	1%	40%
Senior Citizen Residential Project	100%	20%	-	-

D. Calculation of state density bonuses is subject to the following provisions:

~~1. The county provides a density bonus to residential projects that are located on Specified Priority Housing Development Sites (as defined in Section 18.82.020) and developed in conformance with the AH Combination District standards included in Chapter 18.82. Applicants for residential projects on Specified Priority Housing Development Sites may apply for a density bonus pursuant to Chapter 18.82 or pursuant to this Chapter 18.107, but not pursuant to both.~~

21. Each residential project is entitled to only one density bonus. Where a residential project qualifies for a state density bonus under more than one category as described in subsections (A) through (C) above, the category pursuant to which the density bonus shall be granted shall be elected by the applicant, and density bonuses from more than one category may not be combined.

32. In determining the number of density bonus units to be granted pursuant to this section, any fractions of dwelling units shall be rounded to the next whole number.

43. Density bonus units authorized by this section shall not be included when determining the number of target units required to qualify for the density bonus. When calculating the required number of target units, any calculations resulting in fractional dwelling units shall be rounded to the next whole number.

54. The applicant may request a lesser density bonus than the residential project is entitled to, but no reduction will be permitted in the percentages of required target units pursuant to subsections (A) and (B) above. Regardless of the number of target units, no residential project shall be entitled to a density bonus of more than thirty-five percent.

E. Target units shall conform to the following standards:

1. Moderate income target units shall remain restricted and affordable to moderate income households for a period of forty years (or a longer period of time if required by a construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program). Very low and low income target units shall remain restricted and affordable to the designated group for a period of thirty years (or a longer period of time if required by a construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program). Except as set forth in this subsection (E), all target units shall conform with the provisions for continued affordability included in Section 18.107.140.

2. Target units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the same residential project. Target units shall be dispersed throughout the residential project, or, subject to the approval of the planning director, may be clustered within the residential project when this furthers affordable housing opportunities.

F. Certain other types of development activities are specifically eligible for a density bonus:

1. A residential project may be eligible for a density bonus in return for land donation pursuant to the requirements set forth in Government Code Section 65915(g).

2. A residential project that contains a child care facility as defined by Government Code Section 65915(h) may be eligible for an additional density bonus or incentive pursuant to the requirements set forth in that section.

3. Condominium conversions may be eligible for a density bonus or incentive pursuant to the requirements set forth in Government Code Section 65915.5.

SECTION 4. Section 18.107.160 (State incentives for affordable housing—State-defined incentives) of Chapter 18.107 (Affordable Housing and Incentives) of the Napa County Code is amended to read in full as follows:

18.107.160 State incentives for affordable housing—State-defined incentives.

This section includes provisions for providing incentives pursuant to Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

A. An applicant may request incentives pursuant to this section only when the residential project is eligible for, and the applicant requests, a density bonus pursuant to Section 18.107.150.

B. For the purposes of this Section 18.107.160, an incentive means the following:

1. A reduction of development standards or [a modification of zoning code requirements or](#) architectural design requirements which exceed the minimum applicable building standards approved by the State Building Standards Commission pursuant to Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including but not limited to setback, coverage, and/or parking requirements, which result in identifiable, financially sufficient, and actual cost reductions, based upon appropriate financial analysis and documentation.
2. Allowing mixed use development in conjunction with the proposed residential project, if nonresidential land uses will reduce the cost of the residential project and the nonresidential land uses are compatible with the residential project and existing or planned surrounding development.
3. Other regulatory incentives proposed by the applicant or the county which result in identifiable, financially sufficient, and actual cost reductions, based upon appropriate financial analysis and documentation if required by county.

C. A residential project is eligible for incentives as follows:

1. One incentive for residential projects that include at least ten percent of the total dwelling units as target units affordable to low income households, at least five percent of the total dwelling units as target units affordable to very low income households, or at least ten percent of the total dwelling units in a qualified common interest development as target units affordable to moderate income households.

2. Two incentives for residential projects that include at least twenty percent of the total dwelling units as target units affordable to low income households, at least ten percent of the total dwelling units as target units affordable to very low income households, or at least twenty percent of the total dwelling units in a qualified common interest development as target units affordable to moderate income households.

3. Three incentives for residential projects that include at least thirty percent of the total dwelling units as target units affordable to low income households, at least fifteen percent of the total dwelling units as target units affordable to very low income households, or at least thirty percent of the total dwelling units in a qualified common interest development as target units affordable to moderate income households.

The following table summarizes requirements for incentives:

State Incentives (California Government Code Section 65915)

Affordability Category	% of Target units		
Very low income	5%	10%	15%
Low income	10%	20%	30%
Moderate-income (for sale common interest development only)	10%	20%	30%
Maximum Incentive(s)	1	2	3

Notes:

- (A) An incentive may be requested only if an application is also made for a density bonus.
- (B) Incentives may be selected from only one category (very low, low, or moderate).
- (C) No incentives are available for land donation or a senior citizen residential project (if not affordable).
- (D) Condominium conversions and day care centers may have one incentive or a density bonus at the county's option, but not both.

D. The county provides incentives, including modified development standards and approval of residential projects without discretionary review, to residential projects that are located on Specified Priority Housing Development Sites (as defined in Section 18.82.020) and developed in conformance with the :AH Combination District standards included in Chapter 18.82. Each of the incentives provided in Chapter 18.82 is a regulatory incentive that results in identifiable, financially sufficient, and actual cost reductions and is a form of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code. Applicants for residential projects on Specified Priority Housing Development Sites may apply for incentives pursuant to Chapter 18.82 or pursuant to this Chapter 18.107, but not pursuant to both.

E. If a residential project is eligible for a density bonus pursuant to Section 18.107.150, the applicant may request an on-site vehicular parking ratio, inclusive of handicapped and guest parking, pursuant to Government Code Section 65915(p), as follows:

1. Zero to one bedroom dwelling unit: one on-site parking space.
2. Two to three bedroom dwelling unit: two on-site parking spaces.
3. Four or more bedroom dwelling unit: 2.5 on-site parking spaces.

This request may be in addition to any incentives permitted by subsection (C). On-site parking may include tandem and uncovered parking, but not on-street parking.

F. An applicant may seek a waiver of any development standards that will physically preclude the construction of a residential project with the requested density bonus and incentives permitted by this chapter. The applicant shall bear the burden of demonstrating that the development standards that are requested to be waived will have the effect of physically precluding the construction of the residential project with the density bonus and incentives.

G. Nothing in this section requires the provision of direct financial incentives for the residential project, including but not limited to the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The county, at its sole discretion, may choose to provide such direct financial incentives.

SECTION 5. Section 18.107.170 (State incentives for affordable housing—Application procedures) of Chapter 18.107 (Affordable Housing and Incentives) of the Napa County Code is amended to read in full as follows:

18.107.170 State incentives for affordable housing - Application procedures.

A. An applicant intending to request a state density bonus or any incentives, parking reductions, or waivers pursuant to Section 18.107.150 or Section 18.107.160 shall submit a preliminary application prior to the submittal of any formal application for approval of the residential project and shall schedule a pre-application conference with the planning director or designated staff. The preliminary application shall include the following information:

1. A brief description of the proposed residential project, including the total number of dwelling units, target units by proposed income level, density bonus units proposed, and any incentives, reduced parking, or waivers requested.

2. The zoning and general plan designations and assessor's parcel number(s) of the residential project site.

3. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s), and parking layout.

4. An explanation of why any requested incentives are necessary to provide the target units.

B. All requests for density bonuses, incentives, parking reductions, and/or waivers pursuant to Section 18.107.150 or Section 18.107.160 shall be submitted concurrently with the application for the first discretionary permit or other permit required for the residential project and shall be processed concurrently with such application. In accordance with state law, neither the granting of an incentive, nor the granting of a density bonus, shall be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

C. An applicant's request for any density bonuses, incentives, parking reductions, and/or waivers permitted by this chapter shall include the following information:

1. A site plan depicting the number and location of all proposed market rate units, target units, and density bonus units, if any.

2. A calculation of the maximum number of dwelling units permitted by the county's zoning ordinance and general plan for the residential project, excluding any density bonus units.

3. The income level of the proposed target units.

4. A description of any requested incentives, waivers of development standards, or parking reductions.

5. The applicant shall demonstrate through the provision of a pro forma that any requested incentive results in identifiable, financially sufficient, and actual cost reductions to the residential project. The cost of reviewing any required pro forma data, including but not limited

to the cost to the county of hiring a consultant to review the pro forma, shall be borne by the applicant. The pro forma shall include all of the following items:

- a. The actual cost reduction achieved through the incentive;
 - b. Evidence that the cost reduction allows the applicant to provide affordable rents or affordable sales prices; and
 - c. Other information as may be requested by the planning director. The planning director may require that any pro forma include information regarding capital costs, equity investment, debt service, projected revenues, operating expenses, and such other information as is required to evaluate the pro forma.
6. For any requested waiver of a development standard, the applicant shall provide evidence that the development standard for which the waiver is requested will have the effect of physically precluding the construction of the residential project with the density bonus and incentives requested.
7. If a mixed use building or project is proposed as an incentive pursuant to Section 18.107.160, the applicant shall provide evidence that nonresidential land uses will reduce the cost of the residential project, and that the nonresidential land uses are compatible with the residential project and the existing or planned ~~surrounding~~ development in the area where the proposed residential development will be located, ~~including planned development consistent with the general plan and Measure J.~~
8. If a density bonus is requested for a land donation, the applicant shall show the location of the land to be dedicated, provide proof of site control, and provide evidence that each of the requirements included in Government Code Section 65915(g) can be met.
9. If a density bonus or incentive is requested for a child care facility, the applicant shall provide evidence that all of the requirements found in Government Code Section 65915(h) can be met.
10. If a density bonus or incentive is requested for a condominium conversion, the applicant shall provide evidence that all of the requirements found in Government Code Section 65915.5 can be met.

SECTION 6. Section 18.107.230 (General-Definitions) of Chapter 18.107 (Affordable Housing and Incentives) of the Napa County Code is amended to read in full as follows:

18.107.230 General-Definitions.

Unless the context clearly requires otherwise, the definitions in this section shall govern the provisions of this chapter.

"Addition" means the addition of gross square feet to an existing structure.

"Affordable rent" means monthly rent, including utilities and all fees for housing services, that does not exceed:

1. For very low income households: fifty percent of the median income for the county multiplied by thirty percent and divided by twelve.
2. For low income households: sixty percent of the median income for the county, multiplied by thirty percent and divided by twelve.

Affordable rent shall be based on presumed occupancy levels of one person in a studio dwelling unit, two persons in a one bedroom dwelling unit, three persons in a two bedroom dwelling unit, and one additional person for each additional bedroom thereafter.

"Affordable sales price" means the maximum purchase price that will be affordable to the specified household at the specified income level. The purchase price shall be considered affordable only if it is based on a reasonable down payment, and monthly housing payments (including interest, principal, mortgage insurance, property taxes, homeowners insurance, homeowners association dues, property maintenance and repairs, and a reasonable allowance for utilities), all as determined by the county, that are equal to or less than:

1. For very low income households: fifty percent of the median income for the county multiplied by thirty percent and divided by twelve.
2. For low income households: seventy percent of the median income for the county, multiplied by thirty percent and divided by twelve.
3. For moderate income households: one hundred ten percent of the median income for the county, multiplied by thirty-five percent and divided by twelve.

Affordable sales price shall be based on presumed occupancy levels of one person in a studio dwelling unit, two persons in a one bedroom dwelling unit, three persons in a two bedroom dwelling unit, and one additional person for each additional bedroom thereafter.

"Affordable units" means those deed-restricted dwelling units which are required to be offered for sale at an affordable sales price to specified households pursuant to Section 18.107.080 or which the applicant proposes to offer for rent at an affordable rent pursuant to Section 18.107.110 or which the applicant constructs pursuant to an equivalency proposal approved pursuant to Section 18.107.100.

"Annual household income" means the combined gross income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.

"Density bonus" means a density increase over the otherwise allowable maximum residential density for a residential project.

"Density bonus units" means those dwelling units allowed pursuant to the provisions of this chapter which exceed the maximum residential density for a residential project.

"Development standard" means a site or construction condition that applies to a residential project pursuant to any ordinance, general plan element, specific plan, or other county condition, law, policy, resolution, or regulation. A "site and construction condition" is a development regulation or law that specifies the physical development of a site and buildings on the site in a residential project.

"Discretionary permit" means any permit issued pursuant to Title 17 or Title 18 of this code which requires the exercise of judgment or deliberation from the decision-making body, including but not limited to, use permits, variances, site plan approval, general and specific plan amendments, zoning amendments, and the approval of tentative, final or parcel maps.

"Floor area" for a residential project is that area included within the surrounding walls of a dwelling unit as calculated by the building division in accordance with its standard practice. This area does not include garages, carports or common areas.

"Gross square feet" is the area included within the surrounding walls of a structure as calculated by the building division in accordance with its standard practice. This area does not include garages or carports. The gross square footage of any tank or wine crush pad or similar non-walled wine-related structure shall be included in the gross square feet of a nonresidential development.

"Housing board" means any affordable housing fund board established pursuant to Section 18.107.020 as advisory to the board of supervisors.

"Housing director" means the county executive officer or the designee of such person.

"Housing fund" means the affordable housing fund for the county established pursuant to Section 18.107.020 of this chapter.

"Low income households" are those households whose income does not exceed the low income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Market rate units" means dwelling units in a residential project which are not affordable units or target units.

"Maximum residential density" means the maximum number of dwelling units permitted in a residential project by the county's zoning ordinance and by the land use element of the county general plan on the date that the application for the residential project is deemed complete, excluding any density bonus. If the maximum density allowed by the zoning ordinance is inconsistent with the density allowed by the land use element of general plan, the land use element density shall prevail.

"Median income" means the median income, adjusted for family size, applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Moderate income households" are those households whose income does not exceed the moderate income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Nonresidential development" means any development in the county for which a discretionary permit or building permit is required, other than those developments involving solely residential projects, that includes an addition, the new construction of gross square feet of nonresidential space, the conversion of a residential use to a nonresidential use, or the conversion of one nonresidential use to another nonresidential use.

"Residential project" means any development for which a discretionary permit or building permit is required that includes the creation of one or more additional dwelling units, an addition to a dwelling unit, conversion of nonresidential uses to dwelling units, or a condominium conversion.

"Residential ownership project" means any residential project that includes the creation of one or more residential dwelling units that may be sold individually. A residential ownership project also includes the conversion of apartments to condominiums.

"Residential rental project" means any residential project that creates residential dwelling units that cannot be sold individually.

"Senior citizen residential project" means a senior citizen housing development with at least thirty-five dwelling units as defined in Civil Code Section 51.3, or a mobilehome park that limits residency based on age requirements for older persons pursuant to Civil Code Sections 798.76 or 799.5.

"Target unit" means a deed-restricted dwelling unit within a residential project which is reserved for sale or rent, at an affordable rent or affordable sales price, to very low, low, or moderate income households, and which qualifies the residential project for a state density bonus and incentives pursuant to Section 18.107.150 and Section 18.107.160. ~~On-site affordable~~

~~units required by Section 18.107.080 shall not be counted as target units for the purpose of granting a state density bonus or state incentives.~~

"Very low income households" are those households whose income does not exceed the very low income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

SECTION 7. State law mandates that the County shall adopt an ordinance that specifies how compliance with Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code will be implemented. This Ordinance implements Chapter 4.3 and is exempt from the California Environmental Quality Act pursuant to the "common sense exemption" (14 CCR 15061(b)(3)) because it can be seen with certainty that there is no possibility that the Ordinance implementing Chapter 4.3 may have a significant effect on the environment, in that its provisions for density bonuses and other incentives merely incorporate provisions of existing state law (Chapter 4.3 of Division 1 of Title 7 of the Government Code), which the County must comply with even if fails to adopt the Ordinance (Government Code Section 65915(a)).

SECTION 8. Pursuant Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance is consistent with and implements Policy H-2c included in the 2009 Housing Element Update.

SECTION 9. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors of the County of Napa hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 10. This Ordinance shall be effective thirty (30) days from and after the date

of its passage.

SECTION 11. A summary of this Ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

The foregoing Ordinance was introduced and public hearing held thereon before the Napa County Conservation, Development and Planning Commission at a regular meeting of the Commission on the ____ day of _____, 2013, and was passed at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the _____ day of _____, 2013, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSTAIN: SUPERVISORS _____

ABSENT: SUPERVISORS _____

BRAD WAGENKNECHT, Chairman
Napa County Board of Supervisors

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: _____

APPROVED AS TO FORM Office of County Counsel	Approved by the Napa County Board of Supervisors
By: _____ (by e-signature) Chief Deputy County Counsel	Date: _____
By: _____ (by e-signature) County Code Services	Processed by: _____
Date: _____	Deputy Clerk of the Board

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON _____.

_____, DEPUTY
GLADYS I. COIL, CLERK OF THE BOARD