

unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. If the proposed development is for-sale units, the units replaced shall be subject to subsection 3 below.

2. If all dwelling units described in Subsection A. have been vacated or demolished within the five-year period preceding the date of application, the proposed residential housing development project shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be rebuttably presumed that low-income and very low income renter households occupied these units in the same proportion of low-income and very low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. If the proposed development is for-sale units, the units replaced shall be subject to subsection 3 below.
3. Any for-sale unit that qualified the applicant for the award of the density bonus shall meet either of the following conditions:
 - a. The unit is initially occupied by a person or family of very low, low, or moderate income, as required, and it is offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code and is subject to an equity sharing agreement; or
 - b. The unit is purchased by a qualified nonprofit housing corporation pursuant to a recorded contract that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code and that includes all of the following:
 - i. A repurchase option that requires a subsequent purchaser of the property that desires to resell or convey the property to offer the qualified nonprofit corporation the right to repurchase the property prior to selling or conveying that property to any other purchaser.
 - ii. An equity sharing agreement.
 - iii. Affordability restrictions on the sale and conveyance of the property that ensure that the property will be preserved for lower income housing for at least 45 years for owner-occupied housing units and will be sold or resold only to persons or families of very low, low, or moderate income, as defined in Section 50052.5 of the Health and Safety Code.

- iv. For vacant sites, the site satisfies both of the following:
 - a. It does not contain tribal cultural resources, as defined by Section 21074 of the Public Resources Code, that could be affected by the development that were found pursuant to a consultation as described by Section 21080.3.1 of the Public Resources Code and the effects of which cannot be mitigated pursuant to the process described in Section 21080.3.2 of the Public Resources Code.
 - b. It is not within a very high fire hazard severity zone, as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code or as designated pursuant to subdivisions (a) and (b) of Section 51179.
- v. For a housing development project proposed on a site in a neighborhood plan, the neighborhood plan shall permit a multi-unit housing development on the site. For purposes of this section only, neighborhood plan means a specific plan adopted pursuant to Government Code Section 65450-65457, or an area plan, precise plan, urban village plan, or master plan that has been adopted by the Board of Supervisors.

7. Density. A mixed-income housing development project shall propose a residential density that meets or exceeds the density of the greater of the following:

- i. The residential density allowed on the parcel by the ~~local government~~ **Countywide Plan**;
or
- ii. For sites of less than one acre in size, 30 units per acre; or
- iii. For sites of one acre in size or greater located on a commercial corridor of less than 100 feet in width, 40 units per acre; or
- iv. For sites of one acre in size or greater located on a commercial corridor of 100 feet in width or greater, 60 units per acre; or
- v. Notwithstanding subparagraphs (i), (ii), or (ii), for sites within one-half mile of a major transit stop, 80 units per acre.

8. Height. The height for the proposed housing development project shall not exceed the greater of the following:

- i. The maximum height permitted by the current zoning designation for the site, regardless of whether that height limit is applicable to residential, commercial, or other type of developments.
- ii. For a site on a commercial corridor with a right-of-way of less than 100 feet, 35 feet.
- iii. For a site on a commercial corridor with a right-of-way equal to or greater than 100 feet, 45 feet.
- iv. Notwithstanding subparagraphs (i), (ii), or (ii), a height of up to 65 feet shall be permitted for sites that meet all of the following criteria:
 - 1. They are within one-half mile of a major transit stop.